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ABSTRACT

This manual grew out of the need expressed by community groups and their advisers for a centralized source of information on how to start a day care center. It is divided into 16 parts: (1) The Agency for Child Development: The Structure of the New Agency, (2) Finding a Site for a Day Care Center, (3) Financing a Day Care Center through the City Interim Funding Program, (4) Financing a Day Care Center through the City Direct Lease Program, (5) Financing a Day Care Center with Money from New York State under the Youth Facilities Improvement Act, (6) How to Buy City-Owned Property for Development as a Day Care Center, (7) Planning a Health Program for Your Day Care Center, (8) Discussion Paper on Drop-In Day Care, (9) Incorporation of Day Care Centers, (10) Writing By-Laws for a Day Care Center Corporation, (11) Getting Tax-Exempt States for Your Day Care Center, (12) Accounting and Management for Day Care Centers, (13) Some Notes on Recruiting and Hiring Staff for Your Day Care Center, (14) Report of the Training and New Careers Committee, (15) Ideas for Putting a Day Care Classroom Together and Things to Make and Do with Children, and (16) Purchasing Equipment for Your Day Care Center. (CK)

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MANUAL

ON ORGANIZATION, FINANCING AND ADMINISTRATION OF DAY CARE CENTERS IN NEW YORK CITY

For community groups, their lawyers and other advisers.

SECOND EDITION

PS 005419

MANUAL ON ORGANIZATION, FINANCING AND ADMINISTRATION OF DAY CARE CENTERS IN NEW YORK CITY

For community groups, their lawyers and other advisers.

Second Edition

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PREFACE TO SECOND EDITION

This MANUAL grew out of the need expressed by community groups and their advisers for a centralized source of information on how to start a day care center in New York City. Because so many centers have begun operating in the year since the First Edition of the MANUAL was published, this Second Edition has been greatly expanded to include new information which we hope will be helpful to groups which already have day care centers, as well as groups who are just beginning the process.

The materials in this MANUAL are the work of a number of groups and individuals involved in day care in New York City. The names of the authors of particular sections can be found at the end of the MANUAL.

You may run into problems and situations which are not covered in the MANUAL; if so, there are a number of groups which may be able to help you. They are listed in the Directory at the back of the MANUAL.

Supplements to and revisions of the MANUAL may be issued as more information on day care becomes available. Contributions of material or information for future supplements to the MANUAL would be very welcome.

Stacie Jacob
November, 1971

HOW TO USE THIS MANUAL

Information is useful only if the people who want information get information. To be most useful to your day care group as many people as possible should have access to this MANUAL.

TAKE THIS BOOK APART!!

This MANUAL is designed to be taken apart in order to bind each Part separately.

Your lawyer may need the Part on tax exemption; your bookkeeper the Part on accounting; your teachers the Part on materials and equipment; your family worker the Part on health programs, and so on. Inexpensive binders, fasteners or even heavy-duty staples can be used to rebind the separate Parts.

The MANUAL should be kept where the most people can read it or borrow the Parts they need. Someone in your group or center can keep a record of who has which Part. This Part of the MANUAL, which includes the Table of Contents and "How to Plan and Operate a City Funded Day Care Center", which explains how the other Parts fit together, should probably remain in the center.

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Bank Street College of Education
610 WEST 112th STREET NEW YORK, N.Y. 10025
TELEPHONE 663-7200

Day Care Consultation Service

May 25, 1971

Dear Friend:

THE 1971-72 DAY CARE BUDGET FOR NEW YORK CITY DOES NOT INCLUDE ANY FUNDS FOR ADDING NEW DAY CARE PROGRAMS!

The 1971-72 City Budget drastically changes the prospects for community groups who want to get money for day care programs. For the past four years the City has put more money into its Day Care budget than it actually needed for existing programs. Because of this, community groups were able to demand immediate funding from the extra money in the budget which the City was not spending.

> The 1971-72 Day Care budget, which goes into effect on July 1, contains only money for projects to which the City is already committed. These commitments are 97 signed leases with private landlords and a few promises to community groups for projects they have initiated. This means that despite the 33 million dollar increase in next year's Day Care budget, it will not contain any money for new day care programs to which the City has not already promised funding. For example, Jule Sugarman said in a meeting on May 11th that there were no funds available for new Interim funded centers which had not already been inspected.

However, there may still be some hope for new groups. In the past the City has been unable to open new day care centers and spend operating funds as fast as they planned, and as a result has been able to "find" extra money for new community controlled centers each year. There is a chance that this will happen again this year.

Community groups who wish further information on the 1971-72 budget and the existing City commitments upon which it is based should contact Miss Georgia McMurray, Commissioner-Designate, Agency for Child Development, Room 600, 220 Church Street, New York, N.Y. 10013, #433-4540.

Sincerely yours,

Peter Sauer
Peter Sauer
Director

Consultants: Leona Arnold, Nancy Dubler, Micaela Hickey, Connie Jackson, Stacie Jacob, Ed Meredith, Lisel Moyer, Inez Padilla, Tony Ward, Jim White; Adria Sagredo, Secretary

HOW TO PLAN AND OPERATE A DAY CARE CENTER: AN INTRODUCTION TO THIS MANUAL

The process of starting a day care center is really the getting together of a lot of different parts -

- getting a group together,
- deciding which programs you want to offer,
- getting the right place for your day care center,
- becoming a corporation,
- developing your ideas on how children learn,
- recruiting and hiring staff,
- enrolling children in your day care center,
- opening your center,
- organizing staff and board training,
- evaluating your program,
- making changes - to add the new things you've learned and eliminate the things that don't work.

This list leaves out "get money", but getting money is an important part of starting a day care center.

Some day care centers are run with money they raise themselves--using volunteer staff, donated space, charging parent fees, getting contributions, finding what is available free. This is a very hard job and a lot of work. If you decide to do it even for a short time while trying to get public money, you can get advice on how to do it. Call either Shirley Johnson, coordinator of the Committee for Community Controlled Day Care, who ran an unfunded day care center for a year (588-5413 or 864-8572), and/or The Children's Free School which has been running a day care center with their own resources for two and a half years (74 Morningside Drive, New York, N. Y. 10025, 864-9034).

Most day care centers are run using public money which comes through the Agency for Child Development. This money comes from your taxes, and for every $100 for your day care center, $75 comes from the Federal Government, $12.50 from New York State and $12.50 from New York City. Part One describes the structure of this new agency, and lists the names of some of the people you will be dealing with.

The Agency for Child Development will want to know first about where your day care center (your facility) will be, and so your first contact with the Agency will be Mr. Robert Davis, Assistant Commissioner for Facilities Development. After you have an approved facility ready to open, an approved staff and eligible children enrolled, you can receive public money. This public money pays for almost all the costs of running the center--salaries, equipment, furniture, rent, etc. Parent fees pay a small percent of the cost. (There are some pre-opening expenses you can get money for, too.)

Sometimes, groups are told that they can't do things which in fact they are allowed to do, or are told they must do things which they don't really have to do. You will have to fight to run the kind of program you decide your children and your community need. You have the advantage that many community-controlled day care centers have been winning more and more freedom to run the kinds of programs they want, and have set precedents that you can follow.

But to do this requires that:

1. You have a vision of how good your program can be, so you'll know how much you will be losing if you do things their way;

2. You as a group are together and willing to give each other the support you need to go on fighting;

3. You have the facts - what are the City requirements, what do you really have to do to meet these requirements, and what have other community groups won in their struggle.

This MANUAL can give you some of the facts, and can refer you to groups and existing day care centers who can give you more facts and support.

GETTING A GROUP TOGETHER

The first thing you need to do is to get together a group of people to plan and to make decisions about the kind of day care center you will have. This group will become the center's Board of Directors. After the center is open, parents will have to be on the Board, and it is a good idea to make the effort from the beginning to get parents on this planning group.

DECIDING WHAT PROGRAMS YOU WANT TO OFFER

You, the planning group, will decide what kinds of day care programs you want--infant, pre-school, after-school, programs for handicapped children, 24 hour and/or drop-in services. The ages of the children in your center and hours your center will be open depend upon the program you choose.

An infant program can care for children from the age of 8 weeks to the age of 2 or 3 years. The pre-school program takes up from 2 or 3 until the children are in the first grade. Three infant care centers you might want to visit are MFY Group Child Care Center (533-2450), West 80th Street Community Child Day Care Center (787-4315) and Riverside Church (749-7000).

You may decide not to have an infant program, and to start your pre-school program with two year olds. Some City officials will think that this is not allowed. The Health Code clearly says you can, and many programs do.

The after-school program is for children 14 and younger (although some people are still told that the program is for children in grades one through three only). It usually begins at 3 P.M., and is a part-time job for the teachers. But the hours can be changed to meet your area's need. Some day care centers in neighborhoods where the schools are on split session have both a morning program and afternoon program. That way, working parents whose children are in the afternoon session of the public school can go on working and know their children are in a safe place and a good program.

Programs for handicapped children. Most centers have always included several children with various kinds of handicaps. These handicaps can be either physical or mental, and vary from fairly severe (for example, blindness) to barely noticeable. Sometimes, with a child with a small hearing loss, a small vision problem, or a slight learning problem, the center may not even know the child has a problem.

The centers have handled these problems with greater or lesser understanding of how to help the individual child. But they have seldom taken advantage of the many things that are known about how to overcome specific handicaps. Some centers today are planning more organized programs for handicapped children. They have found out how to help children with various kinds of handicaps, and how to deal with relations between handicapped and non-handicapped children. One such center is Children's Circle Day Care Center, Mrs. Edith Hicks, Director (1332 Fulton, Bronx. They did not yet have a phone when this was written. You will have to get the number from Information.)

Some questions you should consider when planning programs for mentally retarded children and children with other handicaps are: Do you want a program which serves only retarded and/or handicapped children? Do you want to include separate classrooms in your center which would serve these children? Do you want to integrate retarded and/or handicapped children into the regular classroom? And, for each of these alternatives, what kinds and what degrees of retardation and physical handicaps do you want to serve?

The Agency for Child Development now pays the same amount of money for handicapped and non-handicapped children. You may want to look for additional funds. The second half of Part Seven gives more information on funding for handicapped children.

Twenty-four hour programs: Only two centers that we know of have 24-hour care with City funds. These are Samuel's Temple Day Care Center (427-2528) and the Tabernacle Day Care Center (857-8049). The children do not stay in the centers for 24 hours, but the center is open 24 hours. This is to be able to serve families where the parents work different hours than the standard 9 to 5 -- for instance, a telephone operator may work 4 P.M. to midnight. In this case, the child might be at the center from 3 or 3:30 P.M. until 12:30 or 1:00 A.M.

The standard day care center day is from 8:00 A.M. to 6:00 P.M. Some centers want to have longer hours than this, for example, 7:00 A.M. to 7:00 P.M. Right now, public funding will not pay for the extra staff this would require, but some centers manage to do it anyway through volunteers.

Drop-in Care is when a child is occasionally left at the day care center. This can be for a number of reasons: shopping, hospital or clinic visits, emergencies, a training program that only meets one or two days a week, classes (for example, English or High School Equivalency), and any other needs, including the need for parents to have a little time to themselves. See Part Eight, Discussion Paper on Drop-In Day Care.

A drop-in program can be much more than babysitting. The centers that run a drop-in service find that most children come once or twice a week every week. This means that they can get to know the other children in the center, and to become involved in a continuing program. But even children who only come once or twice can learn things in the time they are there; and the difference it makes in the home for the parents to be able to get tasks done without worrying about where they have left their children helps the child's overall development. Anne Graziano, Director of MFY Group Child Care Center (533-2450), which runs a drop-in day care program, would be glad to talk to you about their experiences.

Planning your day care center's curriculum is part of deciding on your program. Your curriculum is everything you do in your day care center to try to reach the goals you have set for your children and yourselves. In the long run, your program is about people's lives--parents and children--and about what it takes for people to be able to lead satisfying, productive lives. So, in setting goals for your day care center, think about the kinds of people you want your children to be when they are, say, 21, and the kind of world that this will be at that time. Then think about the kinds of things you can do now to help them become adults like that in a world like that.

This obviously takes in much more than classroom activity. Children do not live or learn in a vacuum, separated from their parents, their community, and society in general. So the best classroom program that ignores all these things really does no good. What will happen x.

when the child goes home? When she/he is six years old and goes to public school? When she/he gets to be a teenager? Will she/he drop-out, or stay in school to graduate? If your program does not take these things into account, your program will have made no difference to the child's future, to the child's life.

What kinds of things can you do that will take these things into account?

First, involve the parents. Try to involve all the parents in some aspect of planning, running and evaluating your program. What you and they learn about child development from this will help you be better parents, now. And when your children enter public school, what you (parents) have learned about education, about supervising teaching staff and about organizing yourselves will help you change the public school curriculum so that your children continue to enjoy learning and continue to learn.

Find out what the parents' other needs are. For example, how good are the health services which are available? Part Seven describes the kinds of things you can do to get better health services for the children. A coalition of parents that is in a day care center can be more effective than a single parent to make hospitals and clinics in the neighborhood more responsive to needs and to make them treat people promptly and with respect. A coalition of day care centers can accomplish more than a single day care center; and the experience you have had fighting bureaucracy to get your own kind of day care program is valuable in fighting the hospital bureaucracy.

As you find out these other needs and begin to work on them, you will find that many of them relate directly to the classroom program, for example, health services. A sick child who is not getting the proper treatment is a poor learner; and some conditions like lead poisoning, if not treated in time, and if the home is not replastered and repainted, can cause permanent brain damage so that the child will always be a poor learner.

Poor nutrition also causes these problems. In addition to giving the children good meals at the center, the center can act to help improve the amount and quality of food available in the home. For example, the center can start or join a food buying club.

This is only a start to the kinds of things your center, alone or joined together with other centers, can get involved in to make your community a better place for children to grow up in.

Your classroom program is another part of making opportunities available to your children.

The first step in planning a classroom program is to set goals - what you want the children to learn. Some examples of goals that centers set are: that the children enjoy school, they they learn to be self-confident, that they learn reading, that they learn to co-operate with other children. Part Fourteen lists other goals you might want to think about. Your group will also think of specific things you want for your children.

Then you look into ways of reaching these goals in the classroom. Part Fifteen describes some ways of teaching. You can also visit other day care centers, Head Start centers, etc., and watch and ask questions about their program, then discuss among yourselves how the classroom activities you saw might help the children learn the things you want them to learn. Ask the teachers you have been watching what they intended the children to learn.

Once you have done some work on developing these ideas, you will have a better idea of what kind of teachers you want. Parts Thirteen and Fourteen of this MANUAL discuss some of the questions you could think about in choosing your teachers.

Another important thing to remember is that the adults in the classroom and the school need the time to meet with each other and you to discuss and set the goals for individual and groups of children. Without this opportunity the curriculum falls apart, and the program gets dull.

GETTING THE RIGHT PLACE FOR YOUR DAY CARE CENTER

You need to find a facility, a place for your day care center. Your first contact with the Agency for Child Developement about a place will be Mr. Robert Davis, Assistant Commissioner for Facilities Development (433-6585). Parts Two, Finding A Site For A Day Care Center, Three, Financing A Day Care Center Through The City Interim Funding Program, Four, Financing A Day Care Center Through The City Direct Lease Program, Five, Financing A Day Care Center With Money From New York State Under The Youth Facilities Improvement Act and Six, How To Buy City-Owned Property For Development As A Day Care Center describe the process of getting a facility for your day care center.

If at all possible get involved in the building plans. It can make a big difference. For instance, if you want an infant program, you will need particular kinds of rooms. If the building is built without these rooms, either you can't have an infant program or you will have to have long drawn-out negotiations to have the new building renovated. (If you are getting your center through the Direct Lease Program, you may have to fight to get involved and get the changes you want).

Look to see if the total program is what you want. Do you like the way rooms are placed in relation to each other? Are there enough after-school classrooms? Or are there too many; would you rather use the classrooms for pre-school children? What about the spaces that are not for the children? Are there enough offices? Too few offices? Not enough community space? Too much community space? Not enough storage space? Too much storage space? Check the entrances. Do you think they are safe? Can a receptionist see everyone?

If you get involved in time it is well worth spending time on getting what you want (see Part Four, on how to make changes in a Direct Lease Plan).

Once you choose the way you are going to get your facility, it is a good idea to get started on getting incorporated, writing By-Laws and getting tax exemption. This is a minor aspect of running a good day care center program, but because of New York State bureaucracy it can take a long time, and be a great annoyance over petty details.

By-Laws are the rules by which your group makes decisions. It is worth while spending time writing the By-Laws that are appropriate for your group and your ideas. Some groups just copied other people's By-Laws; later, they got into a lot of internal problems, when situations special to them came up. Part Nine tells about how to get incorporated, and Parts Ten and Eleven tell about writing By-Laws and getting Tax Exemption.

FURTHER DEVELOPMENT OF YOUR IDEAS ON HOW CHILDREN LEARN

The amount of time between when you begin work on your facility and when you can start running a program for children varies tremendously. A good way to spend the time is to visit a number of other early childhood programs, and discuss what you learn. And keep in mind that learning what you don't want to do, or what you think is bad about other programs, is at least as important as learning what you think is good early childhood education.

You are allowed to hire a director (paid for by public money) about four months before the center is due to open. You and the director will then begin working on:

A. Seeing that the building going up is being done right, painted the right colors, etc.

B. Begin organizing parents to join the board, if you do not already have parents on your board.

C. Setting up the procedures for evaluating your staff and your educational program. There is usually some kind of probation period for new staff, so you will need to know how well they are doing, how to tell them where they need improving, and how to know who will work out and who you will need to fire.

D. Recruiting the rest of the day care center's staff. The City has Guidelines on the qualifications of your staff which you will have to follow. These are in the process of being changed. You can read the proposed changes in Part Fourteen. These new Guidelines will only be adopted after public hearings, and then only if they are supported at the hearings.

E. Purchasing the center's equipment. Part Sixteen discusses purchasing equipment for your day care center.

F. Planning a training program for staff and board and other parents. Training programs for staff both before and after the center opens will be important for maintaining a high quality program. Federal and State regulations and law require the City to provide funds for training and career development programs; however, only a few centers have managed to get these funds. (Part Fourteen gives some ideas for planning a training program).

G. Enroll children in your day care center. The City has intake guidelines that say which parents are eligible to enroll their children in the center - their maximum income and their reason for wanting day care (job, school, time to job hunt, etc.) - and what fees they have to pay - (the higher their income, the higher their fee). The present intake guidelines are very controversial. For information about what has happened about this problem when you have reached the point of enrolling children, contact the Committee For Community Controlled Day Care (588-5413 or 864-8572).

H. Planning a Health Program. Part Seven, Health Supplement, describes how you can plan a health program for your center.

I. Establishing the Accounting System your center will follow, and ways that you can be sure this system is being properly followed, because you the board are responsible for the money to the New York City Government. In addition to the records the City requires, you will need to decide what kind of financial reports you want from your staff, and how often. (See Part Twelve, Accounting and Management).

J. Arrange various details -- health insurance for the staff, other kinds of insurance, making sure the garbage will be picked up, etc.

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HISTORY

A BRIEF HISTORY OF DAY CARE IN NEW YORK CITY

The day care center concept in New York City is a product of World War II. The needs of a war-economy led to the provision of day care centers for mothers with young children to make it possible for them to enter the labor force as replacements for men drawn into military service. By providing facilities for the care of their young children during day-time hours, many mothers were able to engage in full-time or part-time gainful employment.

Some 47 of the municipally-funded day care centers now in operation were created during World War II. An additional 15 were opened during the Korean War. Subsequently, 31 more centers were opened until, by 1967, there were 93 municipally-aided centers in existence.

In the years between the end of World War II and today New York City experienced a heavy influx of the poor with the result that the number of mothers with children eligible for assistance under the aid-to-dependent-children program has risen by leaps and bounds.

In 1966, the State Legislature enacted Section 410-b of the Social Welfare Law which provided for a 50-50 sharing by the state of the cost of day care centers in New York City. In 1967, the New York City Council's Committee on Finance considered the matter of day care and concluded that an additional expenditure of $5,000,000 for 50 additional day care centers to accommodate 3,000 additional children was warranted. Excerpts of the report of the Committee follow:

> "Approximately 65 per cent of those on the welfare rolls are families comprising a mother and her children. . . .
>
> "The Committee on Finance is informed that many mothers would seek employment if they could be assured of proper care for their children while at work. We feel that expansion of this (day care) program on a massive scale is called for. Accordingly, we propose inclusion in the budget of $5 million to make possible the opening of 50 additional day care centers in disadvantaged areas. We realize that to expand the existing system of 93 centers by more than 50 per cent will present problems, but we are convinced that if the administrators responsible apply themselves zealously they can overcome any obstacles . . . . About 3,000 children may be accommodated under the proposed expansion."

The Council's recommendations were adopted and $5,000,000 were provided for additional group day care centers by way of amendment to the 1967-68 mayor's executive expense budget thereby increasing the budget for day care services by about 60 per cent. Appropriations for day care services in subsequent years have continued at this higher level. The initial $5,000,000 appropriation had not been requested by the Department of Social

HISTORY

Services, nor was it formulated in consultation with them. As a result, there was little lead time to develop a program for such a rapid expansion of day care centers. Due to these and other factors, actual expenditures for day care services have lagged behind the expansion in budgetary appropriations for such services.

At present, some 16,000 children are now cared for in Department of Social Services group day care centers. *

In the last three years, a number of "family day care" programs have sprung up with the help of city and state funds and, sometimes also, federal funds. Such programs, under the sponsorship of the Community Development Agency (CDA) and the Department of Social Services of the city's Human Resources Administration, look towards the provision of day care services in the home of a neighborhood "mother provider." In the three years since such family day care programs were instituted the number of children accommodated has grown to over 2,400.

Apart from city-financed group day care programs and the city-sponsored "family day care" programs, over 25,000 children receive day care services in private day care centers and nursery schools which are licensed by the city Department of Health but do not receive support from city funds.

Notwithstanding the large number of children for whom day care services are provided, there are some 8,000 children on waiting lists seeking publicly-aided day care services for whom no day care services are now available.

In March 1970, Mayor John Lindsay appointed a 21-member Task Force to study day care in New York City and to recommend changes making it less complicated for community groups to start publicly-funded day care centers. The Task Force report, issued in June of 1970, proposed the creation of a new Department of Early Childhood Services. As a result of this proposal, the Agency for Child Development was formed and is now operating as the new city agency responsible for all services to young children (with the exception of programs in the Department of Parks and the Board of Education.) Part ONE of the MANUAL describes the structure of the new agency.

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* As of July 1, 1971, the Agency for Child Development has assumed responsibility for these programs. See Part One of this MANUAL for more information on the new Agency.

PART ONE

THE AGENCY FOR CHILD DEVELOPMENT: THE STRUCTURE OF THE NEW AGENCY

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INTRODUCTION

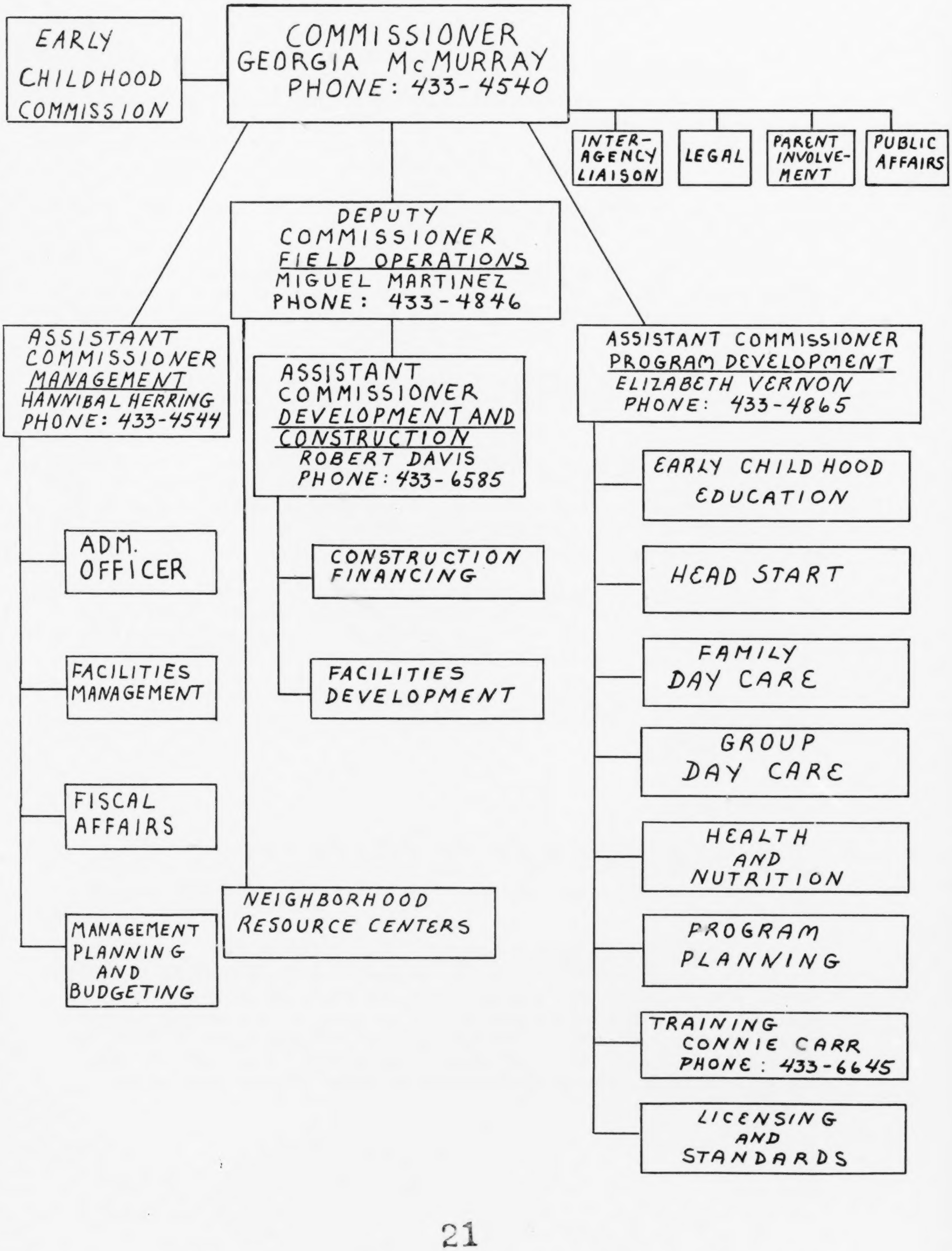
In the year since the first edition of the MANUAL was issued, many changes have taken place in New York City Day Care. One of the major changes has been the establishment of the Agency for Child Development, formally established on July 1, 1971. The Agency is responsible for the majority of services to young children provided by the City of New York; this includes Head Start, Family Day Care, and day care funded by Model Cities, as well as group day care. (Excluded are Parks Department and Board of Education programs for young children.)

It will take quite some time before all the parts of the new Agency are functioning. As a result, the discussion below describes only the formal structure of the new Agency. At the time this is being written, October, 1971, it is impossible to know all the details of what the Agency's day to day operations will be. As time goes on, therefore, and the new Agency actually begins operating, users of the MANUAL may need to refer to this section again to see where the new pieces fit in.

Where possible, we have provided names and phone numbers of people in the new Agency. It may be useful for you to use the chart for filling in new names and phone numbers as you find them out in the future.

It is unlikely that the basic procedures for starting a day care center will be drastically changed; however, until the Agency is fully operating there may be a certain amount of confusion as departments and individuals from the former day care and Head Start structure become parts of the new Agency, with different department names, job titles, responsibilities, and possibly new offices and phone numbers.

AGENCY FOR CHILD DEVELOPMENT



ACD

I. OFFICE OF THE COMMISSIONER

Georgia L. McMurray was sworn in as the Commissioner of the Agency for Child Development on October 7, 1971. She will have the overall responsibility for the policies and operations of ACD as defined in Executive Order #30, July 1, 1971.

In addition to two staff assistants, the office of the Commissioner will consist of the following:

A. THE CHILD DEVELOPMENT COMMISSION: will serve as advisory and policy making body to ACD. It will have a majority of parents and be composed of people representing various interests relative to Child Development in the City of New York.

B. COORDINATOR OF PARENT INVOLVEMENT: responsible for developing and maintaining standards and guidelines for parent involvement in all ACD programs.

C. DIRECTOR OF LEGAL AFFAIRS: serve as legal counsel to the Commissioner on legal matters affecting the Agency for Child Development. ACD plans to offer legal services to all delegate agencies (i.e., Boards of Directors who are operating programs), and assist in aiding groups in need of legal services for incorporation procedures.

D. DIRECTOR OF PUBLIC AFFAIRS: This office will handle public relations, answer requests for information, issue releases, brochures, and weekly letters. They will also handle any request by people who want to visit day care centers, such as the Press or T.V. stations.

E. INTER-AGENCY LIAISON: will function as the Commissioner's liaison with all other agencies - federal, state and city as well as private and voluntary agencies.

II. OPERATIONS

A. DEPUTY COMMISSIONER FOR OPERATIONS: The Deputy Commissioner for Operations is Mr. Miguel Martinez (Phone: 433-4846). He will be responsible for the organization and operation of the Neighborhood Resource Centers.

B. NEIGHBORHOOD RESOURCE CENTERS: One of the goals of the Agency for Child Development is a decentralization of ACD services to the groups in all five boroughs that are operating and planning programs for young children. ACD plans to accomplish this by setting up district offices called Neighborhood Resource Centers (N.R.C.) in all parts of the City. There will initially be 10 districts, each served by one office. The districts will be made up of HRA regional areas (rather than poverty areas).

Each office will serve as a resource center for all the groups operating early childhood programs in that district. Each office will provide technical, educational and social services consultation, as well as consultation on health and nutrition. It will help groups in all the steps necessary to get an early childhood program, such as a day care center, in their community. There will also be an information and referral source for individual families living in the district. These offices are to have decision making power. ACD hopes that by having these offices, people will no longer have to make the lengthy trips to lower Manhattan to speak to officials or get questions answered and can instead do this right in their community.

C. FACILITIES DEVELOPMENT AND CONSTRUCTION AND FINANCING:

The Assistant Commissioner for Facilities Development is Mr. Robert Davis (Phone 433-6585). Under his supervision will be a Director for Facilities Development and a Director for Construction Financing.

III. PROGRAM DEVELOPMENT

A. PROGRAM PLANNING: Miss Elizabeth Vernon is the Assistant Commissioner for Program Planning (Phone: 433-4865). Her office will be concerned with a variety of different aspects of program development in group day care, Head Start, Family Day Care and day care funded Model Cities programs.

Program Development will work closely with the Neighborhood Resource Centers. For example: Training and Career Development will work to train new ACD staff in the Neighborhood Resource Centers as well as the ACD Central Office. The NRC will gather information from the field for Program Development so that they can improve programs in the local communities.

B. TRAINING AND CAREER DEVELOPMENT: Director, Connie Carr (Phone: 433-6645). This office will administer the training program, design training for ACD personnel, work with groups to help them determine their training needs, set up a demonstration training facility, and work with the institutions providing training to see how new training and career development programs can be developed.

C. PROGRAM PLANNING AND SPECIAL PROJECTS UNIT: This unit will be responsible for assessing the need for child development programs, citywide, and for proposing various patterns of services, various linkages and various pilot programs to meet special needs or to create new answers to all problems. The unit will concern itself with planning services for the Agency's clientele, children, and families. This unit will work closely with the Management Information Unit as well as other units in the Agency.

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D. NUTRITION AND HEALTH: This unit will work on planning of new health care programs for centers and provide information and consultation on nutrition.

E. LICENSING AND STANDARDS UNIT: ACD is in the process of securing licensing powers from the Department of Health. Once this process has been completed, staff from the Department of Health will be transferred to ACD, which will have the power to license centers.

F. DIRECTOR, EARLY CHILDHOOD EDUCATION UNIT: will have the responsibility to develop and ensure the implementation of the educational goals of ACD. It will ensure the availability of educational resources and consultative personnel for development of educational content and methodology within individual centers. It is not the intention of ACD, however, to standardize curriculum or methods. This Division will also do extensive educational planning in coordination with the Board of Education in order to improve the curriculum in the public schools to meet the needs of children who have been in day care or Head Start programs.

IV. MANAGEMENT: Mr. Hannibal Herring is the Assistant Commissioner for Management (Phone: 433-4544). This office will be responsible for coordinating all the Management aspects of ACD, including personnel, recruitment, office services, budget, auditing facilities, management, policy, analysis and evaluation.

PART TWO

FINDING A SITE FOR A DAY CARE CENTER

Bank Street Day Care
Consultation Service

PART TWO

FINDING A SITE FOR A DAY CARE CENTER

There is no formula for describing the kind of building that can be renovated into a day care center. Day care centers have been built on vacant lots, in supermarkets, restaurants, parking garages, warehouses, brownstones, community rooms in housing projects, and lofts and storefronts.

Different types of sites lend themselves to different ways of financing facilities. For example the City lease and Interim Funding programs can be used to pay for facilities that occupy part of a building, but under the State mortgage program the group must want to own the entire building. Sites for interim funded centers are generally (but not always) smaller than sites for "permanent" centers. These various financing methods are discussed in the following sections of this MANUAL.

The Building Must be Safe:

There should be at least two exits on each floor, and it must be firesafe. This is why wooden buildings are generally unsafe.

When looking at houses and brownstones, groups should keep in mind that children are not allowed above the third floor unless there is an elevator or an elevator can be installed.

There are ways of financing extensive renovations, and a good architect can do wonders with an old building.

Space Required for a Day Care Center:

Many people underestimate the amount of space required for a day care center. The Health Code requires a minimum of 30 square feet of classroom space per child. But a day care center contains more than classrooms; offices, kitchen, teachers room, storage and hallways all take up space. A good rule of thumb when looking for space is to figure on 100 square feet per child for a center for 100 children or fewer. This is only a rule of thumb; many interim centers, which have smaller than average kitchens, fewer offices, and no teachers rooms operate excellent facilities at about 50 square feet per child.

The smallest center that the City is generally willing to fund is one that provides care for thirty five children (2 classrooms), or one that occupies about 3,500 square feet. A quick way to measure square feet is to pace off or measure the dimensions of the outside walls and multiply the length times the width. For example, a day care center of 3,500 square feet might be established by combining a housing project community room with vacant professional offices having combined outside dimensions of 50 by 70 feet.

Outdoor Play Space:

There should be outdoor play space available; a roof play space, a back yard, or a nearby park. The Health Code calls for "adequate" outdoor space; a rule of thumb might be to figure 50 square feet of play-space per child, and to keep in mind that not all classes need to use the play-space at one time.

Light and Air:

There should be plenty of windows. A waiver is required from the Health Department if children are to be housed in basement space when one side is more than three feet below ground level. Such space may be used for kitchens, lunch rooms or offices. Whether or not there is enough light and air appears to be more important to the Health Department than whether or not the space is technically a basement.

Groups that begin to look at day care sites should set their goals high; children may spend 10 hours a day, fifty-two weeks a year in a day care center. Children need the safest and best place that can be found.

Keep in mind that under the State Youth Facilities Mortgage program and the City Direct Lease program it may be possible to build an entirely new day care center on an empty lot. Parts Four and Five of this MANUAL describe how these programs work.

PART THREE

FINANCING A DAY CARE CENTER THROUGH THE CITY INTERIM FUNDING PROGRAM

Micaela Hickey
Stacie Jacob
Peter Sauer

Bank Street Day Care
Consultation Service

INTERIM FUNDING

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INTRODUCTION

The Interim Funding program is one of the most important breakthroughs so far for community controlled day care. Through this program a community group can have an operating, city-funded center within a few months after finding a site. The sites can be storefronts, church rooms, apartments, community rooms -- whatever is the best place available in any community. Interim funded centers have been as small as 15 children; as large as 75 children. Groups that are already running centers can keep the teachers they have, regardless of schooling. And the community group can run the kind of educational program it thinks will be best for its children.

It is important for the children of New York City to keep this program going and expanding.

This Part of the MANUAL is in two Sections:

First, a Summary of - what the program is,

- why the City decided to give Interim Funding,
- and how to get it.

The Summary contains information to help you decide if you want Interim Funding and enough information for you to begin to get an Interim Funded day care center in your community.

Second, a more detailed Description of the things you will need to do, the steps you will take, and some of the problems you may encounter. The Description is designed to be a reference as you work through the various steps necessary to get your center.

12. INTERIM FUNDING

SECTION ONE - SUMMARY

I. WHAT IS INTERIM FUNDING?

II. WHY DID THE CITY DECIDE TO GIVE INTERIM FUNDING?

III. HOW DO YOU GET IT?

   A. Things to keep in mind when looking for a site

   B. Once you have your site

SUMMARY

I. WHAT IS IT?

Interim Funding is operating money and money for renovations of facilities for day care programs that are too small for permanent funding - fewer than 35 children - or that do not have all the rooms a permanent center needs - like several offices, an industrial-size kitchen, a staff lounge. You can use this operating money to pay for rent, renovations, staff salaries, equipment, food, etc.

You can use this money to operate both pre-school and after-school programs. The City is now working out the requirements for interim-funded infant programs. While a day care group is getting interim funding, the City assumes it will be working on getting a permanent facility, perhaps making the changes necessary to make their interim site a permanent site.

II. WHY DID THE CITY DECIDE TO GIVE INTERIM FUNDING?

Interim funding came about as a result of various demonstrations and activities which started in the summer of 1970, some at the office of Jule Sugarman, Administrator of the Human Resources Administration.

The pressure of more than 30 agencies that were operating day care centers without funds made Jule Sugarman institute new procedures for funding and give orders to the Division of Day Care to carry them out when working with community groups.

The Committee for Community Controlled Day Care is continuing to keep pressure on the City to keep this program working well and can give your group help, especially if you get told that you have to be operating already to get interim funding, or that the City cannot fund any more interim centers.

III. HOW DO YOU GET IT?

Have or find a place that can be fixed up to meet health and safety standards for $5,000 to $10,000. The amount varies depending on the size of the site and the amount of rent you have to pay. The Health Department, Buildings Department and Fire Department will inspect the place and tell you what needs to be done.

Be willing to work very hard - perhaps even fight - to get through all the City bureaucracy.

A. Things To Keep In Mind When Looking For A Site

It should be fire-safe. This means it can't be a wood frame building and should have 2 ways out in case of fire. You can meet other fire safety rules through renovation.

The building itself must be sound.

There should be at least 30 square feet of classroom floor space per child.

There should be gas, electric, oil, or steam heat. Blowers, kerosene, etc., will not do. A new heating system can be part of your renovations.

There should be adequate lighting, including windows. This can be part of your renovations.

There should be one toilet and one washbasin for every 15 children, and one toilet for adults. These can be installed as part of your renovations.

You will probably need kitchen facilities in your site. This too can be part of renovations.

The plaster and paint on the walls should be in good condition. The floors should be covered with tiles or linoleum in fairly good condition. This can be part of renovations.

Keep all these possible renovation needs in mind while looking at the site you want. Your renovation money will probably be limited to around $5,000 to $10,000, so the less that has to be done, the better. However, some groups have found large interim sites and have been able to get more than this.

B. Once You Have Your Site

-- Write to:

Mr. James Ortiz
Project Manager for Interim Funding
Agency For Child Development
220 Church Street - 6th Floor
New York, N. Y. #433-3712

saying you want to apply for interim funding, giving your site, your group, and the address and phone number of the person Mr. Ortiz should work with.

Mr. Ortiz will send out inspectors to decide the minimum renovations that need to be made so that your site can be made safe and healthy for children. This team will determine whether your center meets the City's formula for funding of interim centers. If it does -

- You will meet with Agency For Child Development consultants to work out a budget - how many staff the City will pay for, how much money you can spend on furniture, equipment, food, etc. Groups have generally received their first checks soon after this meeting.

Of course, things don't go as smoothly as this. Every group has run into problems at different points in this process. Some groups that have applied for Interim Funding have been told that there is no money left, or that centers that are already in operation get priority so there won't be any money left for centers that are not yet in operation. So groups that want to (1) get Interim Funding and (2) overcome the problems they meet along the way have to be willing to work very hard and stay in close contact with other interim funded day care centers.

Section Two, Description, describes in more detail the various steps you will have to take, and some of the problems you may encounter as you proceed. It also includes a section on how to get MONEY FOR TRAINING for your staff, parents, and board once you have Interim Funding.

SECTION TWO - DESCRIPTION

I. WHO CAN GET INTERIM FUNDING?

II. HOW DO YOU GET IT?

A. Determining whether the necessary renovations can be done for between $5,000 and $10,000

1. Find a site

a. Size
b. Safety
c. Renovations can be made

2. Write a letter to the Project Manager for Interim Funding at the Agency for Child Development

3. Inspection of site

4. An architect may be necessary

5. City decision on site

B. What happens when the City decides the cost of renovations is low enough

1. Getting renovations done

a. Estimate of renovation cost by ACD architect
b. Volunteer architect to do schematic drawings
c. Finding three contractors to bid on your renovation plans
d. Get ACD to approve bids
e. Getting Department of Buildings Approval
f. Getting renovation money from ACD
g. Getting renovation money from ARI, if necessary
h. Paying the contractor

2. Getting operating money from ACD

a. Budget meeting with ACD consultants
b. Pre-operating costs
c. Money for staff and salaries
d. Money for food and equipment
e. Your Board of Directors

3. Getting Money for Training

INTERIM FUNDING

I. WHO CAN GET INTERIM FUNDING

Interim funding is available

1) to groups who are already running a day care center without funds

2) to groups who want to run a center but have not yet begun.

The City may soon decide, however, that you can only receive interim funding if you have already been running a center for at least one year.

Any group that receives interim funding must agree with the City that they will begin working for a permanent day care center. The City alternates between saying that interim funding is limited to two years and saying that centers will remain funded until they qualify for permanent funding.

A permanent center (also called a "continuing" center) is one which has at least two classrooms - 35 children - and which also contains space for things like offices, staff lounge, storage space, and an industrial-size kitchen. The City will go on paying the operating costs of a permanent center as long as there is money for day care. It may be possible to convert an interim center into a permanent center.

II. HOW DO YOU GET IT?

There are two stages -

A. First the City determines whether your site can be renovated for between $5,000 and $10,000. If it can be, you can get interim funding (pp. 17 to 22).

B. Second, you and the City negotiate how much money they will give you for running your center, and you do all the things necessary to get and use the money (pp. 22 to 29).

A. Determine whether the necessary renovations can be done for between $5,000 and $10,000.

1. Find a Site. Before you can get Interim funding you need to find a place in which to run your day care center. Many groups have used storefronts, lofts, and church basements.

   a. Size.

   Your center needs to be big enough to provide at least 30 square feet of classroom space for each child. Therefore, the number of children that you can have in your center depends on the size of the site that you find. Keep in mind that the smallest interim funded day care center so far has been for 15 children; this means a minimum of 450 square feet of classroom space.

It is also a good idea to try and find a site with enough extra space for kitchen and office facilities. The DOSS usually insists that there be space for a kitchen, although some groups have had meals catered in.

One toilet and one sink are required for every 15 children in the center.

b. Safety

Because the safety of the children is so important, you need to find a site in a building which is safe. For example, you cannot run a day care center in a wood-frame building because such a building is a fire hazard.

The site that you choose should have two exits which are fairly far apart from each other, so that in case there is a fire, both exits can easily be used by the people in the center. Sometimes a window can serve as an exit.

c. Renovations

The Agency for Child Development has money to be used to fix up the place that you have chosen: for example, they will provide money to paint walls and ceilings, make minor repairs, install a vestibule for fire safety, remove safety hazards and install a toilet or sink, if necessary. Therefore, the kind of place you should look for is one which will be a safe place for children after it has been fixed up.

It should be kept in mind that for many of the groups who have received interim funding it has been possible to make their sites not only safe for children, but very healthy and exciting places for children.

The following is the formula that is currently being used to determine how much renovation money the City will give you. (Rent/Renovation Allocation Formula):

The City is willing to pay up to $10.00 per square foot for rent and renovations of an interim funded center over a period of two years. (in some few cases the City has agreed to pay for a three year period). To determine the original lump sum of money that the City will give you to renovate, they multiply $10.00 times the number of square feet in your center and subtract your rent for two years from that sum. The amount of money remaining after rent is subtracted is the amount they will give you to renovate, up to $5,000. For example: A group has found a site which is 1,500 sq. ft. The rent is $1,920 a year ($160/month). It will cost $8,000 to renovate.

1,500 sq. ft.
x 10.00

$15,000.00 - That the City will pay for rent/renovation
- 3,840.00 - Rent for two years

$11,160.00 - Left for renovation

The group needs $8,000 to renovate, but the City will give the group only $5,000 as an initial grant to renovate.

If the amount remaining after rent is subtracted is over $5,000, and you need more than $5,000 to renovate, Applied Resources, Inc. can lend you the money if the City agrees in writing to pay it back. The money would be paid back over a 15 month period with funds from the operating budget which the Agency for Child Development will give you. Therefore, in the above example, the group would ask Applied Resources to lend them $3,000 because they need $8,000 to renovate and the City will only give them the initial grant of $5,000.

Address: Mr. Jack McNamara, Director
Applied Resources, Inc.
510 Madison Avenue
New York, N. Y.
Tel. 826-0890

Keep in mind, however, that the City will not agree to pay for repairs in your site if it looks like it will cost too much money. Therefore, if the place that you find needs a very large amount of fixing up before children can be taken in, the City may turn down your site and require you to find another one. If you are not sure whether your site can be renovated within the cost the City allows, call Bank Street Day Care Consultation Service. They can help you figure out whether renovation is possible. (Phone: 663-7200 Ext. 225)

2. Write A Letter To The Project Manager For Interim Funding At The Agency For Child Development

Once you have found a site that you think could be turned into a day care center, you should write a letter to Mr. James Ortiz in the Special Office of Day Care telling him about your site and that you want to apply for interim funding. Mr. Ortiz is the person in charge of interim funding in the Agency for Child Development (ACD), and the person you should call if you have any questions. His address is:

Mr. James Ortiz, Project Manager for Interim Funding
Agency for Child Development
220 Church Street - 6th Floor
New York, N. Y. 10013
Phone: 433-3712

In your letter to him, you should include the address of the site and the rent (if you know what the rent will be). You also need to include the name and phone number of the person he should contact in your group.

If you are able to tell the City that you are already running a center, you will get a quicker response. Keep in mind that the site for which you want interim funding need not be the site in which you are currently operating.

Carbon copies of your letter should be sent to Mr. Bob Davis, Head of the Special Office of Day Care and Assistant Commissioner for Facilities Development, and Miss Georgia McMurray, Commissioner of the Agency for Child Development. Their addresses are:

Mr. Bob Davis, Assistant Commissioner
Agency for Child Development
The Special Office of Day Care
66 Leonard Street
New York, N. Y. 10013
Telephone: 553-5525

Miss Georgia McMurray, Commissioner
Agency for Child Development
Room 600
220 Church Street
New York, N. Y. 10013
Telephone: 433-4540

You should also keep a carbon copy for your group.

If you have not heard from Mr. Ortiz within a week after you have sent the letter, you should call him to urge him to respond to your request. If that does not work, call the Commissioner.

3. Inspection of Site

At some point after you have written to James Ortiz telling him about your site, he will arrange to have your site inspected by the Fire, Building, and Health Departments; an A.C.D. consultant and architect will also inspect the site. He will try to see that all the inspections are held at one time. They will tell you what changes have to be made in the building to bring it up to health, fire and safety standards. They will tell you what needs to be put in the site in order for you to admit a certain number of children: for example, if you have enough space for 30 children but only have one toilet, you will need to have another toilet installed.

4. An Architect May Be Necessary

If a site needs a lot of renovations, groups have found that having an architect working with them helps to speed up the process.

The reason that an architect can be so important is that you need to get bids from three different contractors telling you how much the renovation will cost. In many cases, these bids will have to be based on architectural plans because otherwise the contractors will not know what they are bidding on. The City will tell you what renovations need to be made after they have inspected, but often they are not specific enough for a contractor to make a bid. Therefore, you may need an architect to draw plans for the renovation of your center, based on what the City inspectors have said. It would be very helpful for the architect to be at the site when the inspection takes place. You may also need an architect to file your building plan with the Department of Buildings.

You can get a volunteer architect by contacting either:

Architects Renewal Committee in Harlem
221 West 116th Street
New York, N. Y.
Mr. Howard Brown
Phone: 666-9130

or

Architects Technical Assistance Center
20 West 40th Street
New York, N. Y.
Mr. Josh Lawrence
Phone: 594-0259

If your center does not need much fixing up, you probably won't need the help of an architect.

5. City Decision on Site

After your site has been inspected, you may have a meeting with James Ortiz or other ACD staff to go over the details of your project.

It is at this point that the City may decide that it would cost too much to fix up the site you have found, and they may require you to find another site that costs less to renovate. If you disagree with their decision and would like help in persuading the City that the site is suitable, call:

Day Care Consultation Service
Bank Street College of Education
610 West 112th Street
New York, N. Y. 10025
Telephone: 663-7200 Ext. 225

If the City decides that they will fund your center and give you money to renovate, they will describe certain conditions you must meet before you can actually receive the money. For example:

You will need to get a two-year lease in your building;

You will need bids from three different contractors telling you how much the renovations will cost. In most cases these bids will have to be based on architectural plans;

You must have a Board of Directors made up of Community people and/or parents of children in the center;

You need to agree to serve primarily low-income children;

You must begin to take steps to establish a permanent center within the next few years.

By the time you are funded, you need to be at least in the process of getting incorporated and getting tax-exempt status (See the Directory of the MANUAL for a list of groups who can help you get lawyers.).

B. What happens once the City decides that the cost of renovations is low enough?

1. Getting Renovations Done

a. Estimate of renovation cost by ACD architect.

Mr. Stanley Ciecierski, an ACD architect will visit your site and make an estimate of how much he thinks your renovation will cost (his phone is: 344-8468). He will report his estimate to Mr. James Ortiz, Project Manager for Interim Funding, and Miss Sadie Silver, Fiscal Officer of the Division of Day Care.

b. Volunteer architect to do schematic drawings.

As mentioned earlier (page 21) in this discussion, you will probably need to have an architect prepare schematic drawings. These drawings are necessary before you can ask contractors to bid on the cost of your renovations. These drawings are also necessary because the Department of Buildings requires that plans for most renovations be filed with them and approved by them. Approval from the Department of Buildings is usually (but not always) necessary before you can begin renovations.

c. Finding three contractors to bid on your renovation plans.

The ACD requires that you get bids from three different contractors telling you how much they think your renovations will cost. This requirement has been a big problem for most groups trying to start interim funded centers. WARNING: Choose your contractors with care; get help finding contractors; check other jobs they have done; get help negotiating with them. It is hard to find contractors to bid on these renovations. Many contractors will not be interested in your project because it is too small. Some contractors won't come to your center and make an estimate unless you pay them a fee. Some contractors are unwilling to make a bid because you don't yet have a Buildings Department permit or insurance.

When faced with this problem, some interim funded groups went to people in their community who know about contracting. These people were able to help them find local contractors to make bids. IMPORTANT: be sure you find a contractor who can do the job. Any of the following groups can help find good contractors, and they can help you negotiate with contractors. For help - Architects Renewal Committee in Harlem (666-9130), Applied Resources, Inc. (826-0890), The Architects Technical Assistance Center (594-0259), another interim center, or the Bank Street Day Care Consultation Service (663-7200).

When the contractors come to your site to bid on the job be sure you have all the papers from the City about your site inspection and a complete list with drawings by your architect of all the work that needs to be done. Be sure he will be willing to begin work with either a small downpayment or no payment at all, because the ACD will not pay contractors in advance.

d. Get ACD to approve bids.

Once you have three bids, you will meet with Mr. Stanley Ciecierski, the ACD Architect for Interim Funding (Phone: 344-8468), so that he can approve your plans and the bids the contractors have given you. After Mr. Ciecierski has approved the bids, the bids must be submitted to the consultant the Project Manager for Interim Funding will assign to you and to Miss Sadie Silver in the Fiscal Office. You should tell them that Mr. Ciecierski approved the bids.

(WARNING: Be sure that you keep xeroxed copies of all of the bids. The ACD sometimes looses their copies of the bids submitted by groups.)

Miss Silver is the person in the ACD who will approve one of the bids, and thus will decide who your contractor will be. Generally speaking, if she knows that Mr. Ciecierski has approved, she will also give her approval. If you prefer one of the contractors because you think he can do the best job, you should call Miss Silver (Phone: 433-2911) and explain the reasons why, and persuade her to approve your choice.

Once Miss Silver has approved one of the bids, you will have to go back to Mr. Ciecierski so that he can give you formal and final approval of your plans.

While all this is going on your architect should be -

e. Getting Building Department approval.

You must have approval from the Buildings Department. Your architect should get this for you. Be sure your architect tells the Buildings Department that the plans he submits to them are for an Interim Funded Day Care Center. Generally, you should not start renovations until you have this approval, but if you want to begin before approval is given, call any of the groups listed in Section 3, above, for help.

f. Getting renovation money from ACD.

Once your contractor is decided upon, he may want a down-payment before he is willing to begin renovating your site. If so, you will need to convince Miss Silver in the ACD to give you this money. Most groups requesting down-payment money have had to work hard and delay their renovations to convince ACD that they should get it. This is why you should try to find a contractor who is willing to begin work without being paid. Generally, your contractor will receive his payments in installments (usually two or three) after he has completed certain amounts of work outlined in your contract with him. The money you need to pay him comes from Miss Silver's office (433-2911). If your renovations cost more than $5,000 you will need to -

g. Get renovation money from Applied Resources, Inc., if necessary.

As explained earlier in this section, you will need to borrow money from A.R.I. if it will cost more than $5,000 to renovate your site. Therefore, once Mr. Ciecierski has made his estimate of how much your renovations will cost, and at the same time that you are finding contractors to bid on your renovations, you should get a letter from A.R.I. saying that they will lend you the amount of money over $5,000 that you need for the renovations. To get this letter, contact -

Mr. Jack McNamara, Director
Applied Resources, Inc.
510 Madison Avenue
4th Floor
New York, N. Y.
(Phone: 826-0890)

You will need this letter from A.R.I. saying they will lend you the money before the ACD will approve your project.

Once the ACD has approved your plans and your bids, and you are ready to borrow the renovation money from A.R.I., you should ask Miss Silver to write a letter to A.R.I. commiting the ACD to repay the loan from A.R.I. A.R.I. must have this letter before they can give you the money.

h. Paying the contractor.

As discussed earlier, you will probably pay your contractor in installments after he completes certain amounts of work described in your agreement with him. A.R.I. will give you the money they are lending you to pay him only after you have already used the money the City has agreed to pay you. (See Section II, 3, Renovations, for a review of the formula for determining renovation costs and payments). You are now at the stage where you need to be -

2. Getting operating money from ACD.

26. INTERIM FUNDING

a. Budget meeting with DOSS consultants.

Once the City decides to fund you, James Ortiz will set up a meeting with ACD consultants to discuss the budget for your center. This budget meeting is very important because at this meeting the City may decide how many children you can serve and how many full and part-time staff you can have. At this meeting, it would probably be very helpful for you to have someone with you who has already had the experience of negotiating with the City for an interim funded group like yours; otherwise, you are likely to get less from the City than other groups, which means less for the children in your center. If you want someone to help you at this meeting, call: Bank Street Day Care Consultation Service, Telephone: 663-7200 Ext. 225, or call another interim funded center that has already gone to a budget meeting.

You need to bring your lease and your approved bid to this meeting. MOST IMPORTANT before you go, think over what you need to operate your program. The following four sections may be helpful as you think over your needs.

b. Pre-operating costs.

Your day care center will have certain expenses before it opens. This is a matter you should discuss at the budget meeting. One large expense, of course, may be the cost of renovating your center so that it will be safe for children. Other pre-operating costs will include: rent during the time that the center is being renovated; salary for your Director and Bookkeeper; salaries for the rest of your staff, who can be hired two weeks before your center opens.

If you already have children in your day care center or you want to take in children right away, you may be able to persuade the City to give you operating funds before and during the time the site is being renovated. The City may agree to give you funds if the renovations which need to be made aren't too serious and would not interfere with your day care program. You will need to show the City that repairs can be done at a time and in such a way that the children will not be disturbed.

The City will only give you money before your site is fixed up if they are assured that your center is not a fire or safety hazard.

Applied Resources, Inc. (Phone: 826-0890) may be able to lend you money for rent, if necessary, until such time as the ACD begins giving you money.

c. Money for staff and staff salaries.

At the budget meetings, the question of staff and staff salaries often presents the most difficult area of negotiations with the City, because many community day care groups want to hire teachers and directors who do not meet all the formal educational requirements set up by the City and agreed to by the Day Care Union, Local 1707.

If your center is already operating, the people working there will get paid at least the minimum salary set up by ACD. At some point you will have to tell ACD who is working in your center. You may have to tell them at the beginning of the whole process of getting interim funding; however, you may not have to tell them until after your budget meeting. Be prepared to fill out an application form listing the names of the people you want in your center and the positions you want them paid for.

VERY IMPORTANT: You should be permitted to set up your own budget and staffing patterns even if they are not the same as the City model described above. If you are having trouble doing this, contact: Bank Street Day Care Consultation Service, 663-7200 Ext. 225.

The problem is less likely to happen if you go to the budget meeting with a budget pattern of your own for the staff.

If you want to hire new people for your center, or if you are a newly operating day care group, it will be harder for you to hire people who do not meet ACD's educational qualifications. The formal educational qualifications will probably be enforced when you want to hire new people for your center.

For every classroom of 15-20 children you hire a head teacher, an assistant teacher, and a teacher's aide. Your center will also need a bookkeeper-clerk, and a family counselor, as well as a cook and a janitor. The cook, janitor, and family counselor may only be part-time, depending on how many children are in your center. Some groups who were already operating with a larger staff were able to keep the entire staff.

d. Getting money for food and equipment.

See Part Sixteen of this MANUAL for a discussion of how to get money for food and equipment for your day care center.

e. Your Board of Directors.

At the budget meeting, the ACD consultant will probably ask you for the names of the members of your group's Board of Directors and its officers. Current ACD guidelines do not allow any member of the Board of Directors to be employees of their centers, and they do not allow Boards of Directors to hire members of their immediate families, including in-laws. The staff of the Day Care Consultation Service feels that these guidelines are too sweeping (see PART NINE page 176 of this MANUAL). ACD has not enforced, in all situations, guidelines relating to the hiring of Board members.

Your chances of getting what you need for the children of your center will probably be greatly increased if your Board of Directors includes a majority of parents, and will be improved especially if the ENTIRE Board consists of parents of children enrolled in the center.

The Board of Directors is responsible for the center. They can hire all staff members. They set policy for the center, and they determine its program (within limits set by the City) and control how it spends its money.

IF your group has been operating its day care center in a more or less informal way, perhaps without a carefully defined Board of Directors and elected officers, you should give careful thought to who, and for what reason, you will list as members of the Board of Directors when you go to the budget meeting.

For more information on this call other community and parent controlled day care centers or call the Bank Street Day Care Consultation Service.

3. Getting money for training.

At the time this section of the MANUAL is being written, September, 1971, only a few interim funded centers are getting money for training, and only interim funded centers are eligible for training funds under ACD policy. This policy ignores Federal and State regulations and laws which require the City to provide staff training funds for all City-funded day care centers. Those interim funded centers which are receiving training funds are getting $230 per child in their center, based on the City's enrollment figure. These groups have the final decision on how this money is spent and they do not have to spend it all at once.

It is difficult to predict what future ACD policy on training funds will be. For an up to date report call ACD Commissioner, Georgia McMurray, at 433-4540; or ACD Director of Training, Connie Carr, at 433-6645; or the Bank Street Day Care Consultation Service at 663-7200. (For further discussion of training programs, see Part Fourteen of this MANUAL)

The training money can pay for training for all staff as well as for Board members and parents. The training program will be most effective if it is designed with the active participation of those who are being trained and with the final decision on how the money can be spent made by the center's Board of Directors. Training funds should be available to pay for consultants to help staff, parents, and Boards of Directors plan their training programs. Generally speaking, training programs should grant academic credit and be part of a larger plan that leads to high school equivalencies and/or college degrees for those who wish to pursue them. Thus these programs should have two components; one that provides the skills and competancies to help people do their jobs better as teachers, bookkeepers, parents, or Board members; and another that provides the academic courses and/or the recognition of life experiences which are required to grant degrees. For help in planning your training program call the Bank Street Day Care Consultation Service at 663-7200.

PART FOUR

FINANCING A DAY CARE CENTER THROUGH THE CITY DIRECT LEASE PROGRAM

Peter Sauer

Bank Street Day Care
Consultation Service

PART FOUR

FINANCING A DAY CARE CENTER THROUGH THE CITY DIRECT LEASE PROGRAM

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INTRODUCTION

For all of its problems and weaknesses the Direct Lease program has built day care centers. Most have been planned with no community participation and there are many problems with these new buildings. Many of them represent the poorest, most expensive educational architecture the nation may have seen,* but they do house day care programs in communities which (by and large) want and need them.

It is clear that as the new Agency for Child Development becomes operational, complete with an Assistant Commissioner for Facilities Development (Mr. Robert Davis), attempts will be made to restructure, streamline, and insure community participation in the Lease Program. Thus, there is a chance that this program may be made to work for community groups in some sort of rational way. The problems which the Lease Program has created, which range from allegations of corruption to newly constructed but empty buildings, are so great that there is no question that the program will be changed drastically.

This section of the Manual is written to help groups anticipate this change and participate in bringing it about. It is in three parts:

I. Background and historical information on the Direct Lease Program and the basic structure of how the program works

II. The various ways it now works and how to make the program work for you

III. How you become the official sponsoring group once the center is built.

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* For more information on architectural problems, call Applied Resources, Inc. (Phone: 826-0891) for the Yahr-Wingate Report which discusses the architectural problems of 14 direct-lease day care centers.

DIRECT LEASE

I. BACKGROUND ON THE DIRECT LEASE PROGRAM

The Direct Lease Program was begun on a large scale in the fall and early winter of 1969.

A. The Problem it was Supposed to Solve.

Before the Direct Lease Program was established, anyone who wanted to start a new day care center funded by the City found that it was impossible to get an adequate facility. Community groups did not have any money of their own to spend renovating buildings and the Department of Social Services (now the Agency for Child Development) was not allowed to spend money for capital construction. DOSS was willing to pay rent with which a group could pay back a renovation loan, but could only make a one-year commitment. This did not provide enough security for banks to be able to make a loan. If the sponsoring agency had enough property and assets, the bank would accept that as security on the loan, but community groups that wanted to set up day care centers never had very much property or assets. So there were no sources of money with which to renovate buildings and no new day care centers were being built.

B. What it was Supposed to do.

If a way could be found for the City to make a long-term commitment to pay rent that would be written firmly enough to be acceptable to banks, banks would then be able to make these renovation loans. The City direct-lease program is an attempt to do this.

C. What Happens.

Someone, either a group that wants to start a day care center, or a landlord or developer looking for income, suggests a building to the City as a potential day care center. Architects from DOSS, Division of Plant Management, evaluate the building. If it is an empty lot, it will be new construction and they evaluate the plans. If they decide it would be possible to have a day care center there, they refer the project to the Department of Real Estate. The Department of Real Estate has the power to sign long-term leases.

The Department of Real Estate negotiates with the owner of the property how much rent will be paid. The maximum rent now possible is $3.75 per square foot per year. This maximum figure was set by ACD because the money with which to pay the rent comes from ACD day care funds.

Once the rent has been decided, the lease has to be approved by the Board of Estimate.

After the Board of Estimate has approved leasing that particular building (or part of that building) to be a day care center, the Department of Real Estate and the owner sign the lease, and renovation or new construction can begin.

D. The Problems of this Program

This program does not sufficiently involve the community sponsoring groups in the planning process to insure that the buildings will be designed to meet their communities' needs.

While the Direct Lease Program has built a large number of day care centers, it has done so at what appears to be unnecessary expense. The program is too landlord oriented and creates no (or perhaps it even creates negative) incentives for building quality facilities. While this section of the *Manual* is being written, the Office of Investigation is conducting an intensive review of the program, and there is little doubt that in the future, the Agency for Child Development will make many changes in the Direct Lease Program.

E. How the Program May be Changed.

There seem to be two points of view on how the ACD should change the Direct Lease Program. The first says that the City should change the process so that it provides incentive for landlords developing centers under this program to consult in depth with the community sponsoring groups during the design and development process. The second point of view maintains that this is not a practical or forceful enough assurance, and that the City must develop a lease which is secure enough to enable community groups to own the centers and act as their own developers. Those who disagree with this idea point out that it requires community groups to act as their own general contractors, a very difficult assignment.

Two of the problems which will affect how the City deals with these issues are:

1. The Department of Real Estate is currently not apparently eager to create a more secure lease, one which would enable community groups who do not already own their own property to get loans to build their day care centers.

2. While the State Youth Facilities Act has been in effect for more than two and a half years little money has been spent under this program to build new day care facilities in New York City.

The following pages discuss the ways that the Direct Lease Programs work for property owned by: community groups; private landlords who rent to the groups or to the Department of Real Estate; the City.

II. HOW TO GET A LEASING PROGRAM DAY CARE CENTER

How the Program Now Works.

Generally, community groups are involved with direct lease day care centers in one of five situations depending on whether or not they own the property, and if not, to what extent, and in what way, the owner of the property will cooperate with them. A group that wants a Leasing Program center should probably investigate all of these alternatives. They are:

A. The Community Group is Designated as Sponsor of a center initiated by a landlord who owns the building.

B. The Community Group initiates the Project with the co-operation of the landlord.

C. The Community Group Leases directly from the landlord (Indirect Lease Program).

D. The Community Group owns the property and signs a lease with the City.

E. The Community Group **sponsors** a center in space owned by the Housing Authority, and the Housing Authority signs a lease with the City.

. . . . .

A. The Community Group is Designated as Sponsor of a center initiated by a landlord who owns the building.

Many direct lease centers are initiated by landlords. Unless community groups bring pressure on the City and the owner, centers initiated by landlords are designed by the landlord and the city with little or no community participation.

This may mean that the community will end up with a building that cannot hold certain programs it wants - such as infant care or 24-hour care. Also, from an educational point of view, some classrooms are good places for children to learn in and others are not. It is important that the community group makes these decisions, rather than the landlord.

1. Find out if there is an unsponsored Leasing Program Center already in your neighborhood.

Contact Bob Davis in the Special Office for Day Care (553-5525) and ask him if there is an unsponsored direct lease project in your neighborhood. Sometimes groups who did not have a site have done this and were offered sponsorship of new centers being constructed near them. If you are offered sponsorship of a direct lease center -

2. Get involved in the design of the building.

   Your group will want to make sure that when the center is finished and opened it will be designed to house the kinds of programs you want for your children and community.

3. Find out who owns the building, who is the construction company and who is their architect.

   Bob Davis's office (553-5525 or 553-5252) should have all this information and must give it to you. The owner of the building or his representative is also listed with the Board of Estimate if they have approved the lease. Commissioner McMurray (433-4540) should also help groups get this information.

4. Get copies of the plans for the day care center from the owner and go over them carefully.

   The following organizations can provide assistance as you evaluate the plans for the center.

   Architects Renewal Committee in Harlem
   Howard Brown 666-9130

   Architects Technical Assistance Center
   Josh Lawrence 594-0259

   Pratt Center for Community Improvement
   Rudy Bryant 622-4140

   Bank Street Day Care Consultation Service
   663-7200

5. How to get the Owner to make the changes you want.

   Sometimes the owners of direct lease centers have not wanted to make the changes that community groups have wanted. If this happens to you, you have several options for encouraging the owner to see things your way. Call Commissioner McMurray; if the landlord does not want to make the changes because they are too expensive the City can renegotiate the lease. Two centers that have done this are Five Star Day Care Center (292-4774) and the Children's Circle Planning Corporation (588-3452). Get to your Borough President; as a member of the Board of Estimate he can prevent the lease from being approved until the owner agrees to cooperate.

B. The Community Group Initiates the Project with the cooperation of the owner.

1. Find the landlord.

If you have found land or a building and don't know who owns it, you can find out by going to the City Register in your borough:

Manhattan County Register
31 Chambers Street
New York, New York
#566-3734

Brooklyn County Register
360 Adams Street
Brooklyn, New York
#643-4095

Queens County Register
161-04 Jamaica Avenue
Jamaica, New York
#526-8684

Bronx County Register
851 Grand Concourse
Bronx, New York
#293-7070

Richmond County Clerk
at County Courthouse
Staten Island, New York
#727-1806

In some cases local Model Cities and Urban Renewal Offices have already identified likely day care sites that community groups may develop and sponsor.

Contact the landlord and find out if he is willing to sell or rent the space for use as a day care center. Be sure he understands that you are not asking him to give to charity. The City has money available to enable your group to pay for the space the day care center uses.

2. If he is interested, contact Mr. Robert Davis (553-5525 or 553-5252) and arrange for a site inspection.

If Mr. Davis or the people he sends to the site inspection determine that the project is feasible, the owner will then probably have to propose the site to the Bureau of Plant Management (which is still located in the Department of Social Services but which, when the new ACD is fully operational, will be under Robert Davis who will be Assistant Commissioner for Facilities Development). Architects at Plant Management evaluate the building. If they decide it would be possible to renovate it into a day care center, they refer the project to the Department of Real Estate, which has the power to sign leases.

3. The owner negotiates with the Department of Real Estate as to how much rent will be paid.

There are several other approvals of different City agencies, which Robert Davis' office will arrange. Once the rent has been decided, the lease has to be approved by the Board of Estimate, and the Department of Real Estate can sign the lease and renovation or construction can begin.

Once again, we want to point out that this plan may not work in a number of cases. It is a rapidly changing process, and therefore, difficult to describe.

The basic problem with this plan is that it may be in the interest of the landlord not to consult the community about planning the facility and, therefore, the centers often are planned without reference to community needs and educational aspirations.

Community groups building day care centers under the leasing plan would probably do well to find buildings owned by landlords who will be willing to hire architects who will consult with the group while they are designing the centers. This is especially important if the day care center will be a newly constructed building, not a renovation, because then there are many more choices a group can make.

For architectural consultation and assistance, call the groups listed in part "A" of this section of the Manual.

C. The Community Group Leases Directly from the Landlord (Indirect Lease).

In a few cases community groups have found landlords who were able to do the renovations required to build a day care center and who did not need a City lease in order to borrow the money to pay for the work. An example of this is the Manhattan Valley Day Care Center (866-8760) which is housed in a renovated middle-income building. In this case the landlord had all the money he needed to renovate the building, and the center is located in space that was originally designed as doctors' offices.

In these cases the lease is between the group and the landlord. The amount of rent is established by the City before the lease is signed, and each month ACD includes the rent in the money it gives the group to operate the center.

D. The Community Group Owns the Property and Signs a Lease with the City

Some community groups such as church groups, own their own buildings, and they have gotten leases from the City to enable them to pay back a loan for the renovation of their building. At the moment some banks cannot give you a loan with the lease as the only security. However, a number of groups, as well as some banks and insurance companies are working to have the lease changed.

This plan has worked for those groups who have been able to find a bank that would lend them the money to do the renovations.

E. The Community Group Sponsors a Center in Space Owned and Renovated by the Housing Authority which signs a lease with the City.

1. If the Site is Located in Space Owned by the Housing Authority

If your group has identified a site in a Housing Authority building that appears to be large enough and suitable for conversion into a day care center, and if the group intends to receive its operating funds from the Agency for Child Development, it may be possible for the renovations to be done or contracted by the Housing Authority. The ACD will then pay the Housing Authority for the renovations, with either a lease or some other agreement.

Keep in mind that the space identified should probably not include low-income apartments because the City is unwilling to reduce the number of apartments available to low-income people. If you have found Housing Authority space and want to explore its suitability for day care use, contact: Mr. Robert Davis (553-5525) and tell him about your plans and ask his help.

III. HOW YOU BECOME THE OFFICIAL SPONSORING GROUP OF THE DAY CARE CENTER

Once you have decided that you want to operate a day care center in a building to be financed by the direct lease program, you are ready to talk to the ACD's Division of Day Care about becoming the official sponsor of the center. The Division of Day Care will want to meet with you so that they can be assured that you are responsible people who care about the children and who will work hard to see that the day care center runs well.

The consultant from the Special Office of Day Care with whom you have been working will set up this meeting for you.

After you have met, the Division of Day Care will send you a "letter of intent" saying that they like you and your plans and that you will be in charge of the center once it is ready to operate.

At this point, your lawyer should assist you in filing incorporation papers so that you will be legally authorized to operate a day care center. (See Part Nine of this Manual)

Your lawyer will also help you in obtaining tax-exempt status. Part Eleven of the Manual contains more information about this process.

See p.508 if you don't have a lawyer and want help in finding one.

PART FIVE

FINANCING A DAY CARE CENTER WITH MONEY FROM NEW YORK STATE UNDER THE YOUTH FACILITIES IMPROVEMENT ACT

Micaela Hickey

Bank Street Day Care
Consultation Service

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STATE MORTGAGE

I. Money Needed to Run a Day Care Center

There are two different kinds of money you need to apply for to run a day care center.

The first is operating money -- to pay for staff salaries, food, equipment, supplies, and other costs of operating a day care center. You will need operating money every year. The chief source of this money is the New York City Agency For Child Development, Miss Georgia McMurray, Commissioner. Before you can qualify for this operating money, you have to have a place for your day care center that is approved by the Agency For Child Development.

Getting this approved site almost always requires construction money, either to renovate an existing building or to construct a new building. The Agency For Child Development cannot give you this construction money, but it can give you money in installments to repay a loan you take out for construction.

You can get a loan either from private lending institutions, like banks or insurance companies, or from New York State. This section describes how to get a loan from New York State.

II. New York State Laws Making Money Available for Day Care.

The 1969 New York State Legislative sessions passed two laws making money available to community groups to build or renovate facilities to be used as day care centers. The two laws are:

The Youth Facilities Improvement Act

Youth Facilities Project Guarantee Fund Act

In 1970, the Youth Facilities Improvement Act was amended to establish the Youth Facilities Development Fund, which provides planning money to groups who are working to get a mortgage under the provisions of the Youth Facilities Improvement Act.

This section will discuss only the Youth Facilities Improvement Act as amended to include the Youth Facilities Development Fund.

Copies of the above laws may be found in the Appendix of the MANUAL.

WARNING:

The Youth Facilities Improvement Act was passed in April, 1969 and went into effect September 1, 1969. It was supposed to provide a total of $100,000,000 in mortgage loans to community groups to build new day care facilities. Since the Act went into effect, no centers have been built with Youth Facilities Funds. In fact, only one planning group in the City has even received a mortgage from the Youth Facilities Improvement Act; this center will be open by September 1972.

> The YFIA compares very poorly with two other programs for opening new day care centers. The City's "Direct Lease Program" was begun about the same time as the YFIA. Since then, eighty (80) new direct lease day care centers have been opened. Over sixty-five (65) new Interim day care centers have been funded under the City's "Interim Funding Program", since the program began in November, 1970. Neither of these programs function perfectly - in fact they have many serious problems. But they have proved that new day care centers can be built in New York City.

The State officials responsible for the YFIA have been made aware again and again of the bureaucratic complexities which are making their program unworkable. But so far they have refused to consider making any serious changes in the way the YFIA functions. At this point we have begun to wonder whether they ever intended to make the program work - or whether the "$100,000,000 for new day care facilities" is simply a mirage.

III. Brief Summary of the Decisions Required to Get a New York State Youth Facilities Improvement Act Mortgage.

A. You plan the kind of day care center you want for the children of your community, within the limits necessary to get New York City and New York State approvals;

B. The New York City Agency For Child Development decides whether your architectural plans for your day care center -- for example, what kinds and sizes of rooms you will have -- include everything that is needed for a good day care center;

C. The New York State Department of Social Services Bureau of Youth Facilities Construction decides whether your plans are financially feasible -- whether the proposed center will cost more to build than the State can afford;

D. The New York State Housing Finance Agency gives you the mortgage.

IV. What The Mortgage Will Pay For

New York State will lend a community group the money it needs to build a day care center. The loan is in the form of a mortgage from the State Housing Finance Agency. You will repay the loan with money provided by the Agency For Child Development.

This mortgage can cover:

A. All planning costs, for example:

An educational director;

An architect;

A lawyer;

A real estate broker;

Other staff or consultants;

An option to purchase property, or a deposit on a contract to purchase property;

Office rent;

Incorporation fees;

Fees for preliminary surveys and title reports;

Other necessary expenses.

B. Purchase costs.

C. All construction or renovation costs.

D. All equipment costs.

E. Other costs. If you think you will have to spend money for something that isn't listed above, the State may be willing to include that money in its loan if you can prove why this expenditure is necessary. If you want help in making out your case, Bank Street Day Care Consultation Service, The Committee for Community Controlled Day Care or The Day Care Council of New York are among the groups who can help you. Their addresses and phone numbers are listed in the Directory of the MANUAL.

V. Money for Planning Costs.

You can borrow money for many of the planning costs listed above and repay the loan out of the mortgage when it finally comes through.

New York State itself can lend you this money out of the

Youth Facilities Development Fund,

and applying for this development loan is one step in the process of applying for and getting the State mortgage.

VI. How To Obtain a Mortgage.

A. Conditions you must meet:

1. You must own or want to own your day care building. The State loan will include the money to buy the site.

2. You must use the whole building for day care or related purposes. ("Related purposes" can include many different services for the children attending the center and their families.)

3. You cannot use any part of the building for religious purposes.

If you meet these conditions, you can apply for a State loan. If you do not meet these conditions, there are other ways of getting a day care center built. Part Four of the MANUAL explains how to get a day care center through the city leasing program; Part Three explains the Interim Funding Program.

B. Deciding the Kind of Day Care Center You Want.

Get your own plans clear. You will have to explain them to both the City and the State. If you are not clear, the day care center you end up with may be very different from the day care center you want.

Do you want to provide only regular day care (ages 2-6) or do you want to include:

Infant care?

A program for mentally retarded or handicapped children?

A special educational program?

After school facilities for older children?

Short term or drop-in day care services?

Other facilities or services for the children, their parents, or the community in general?

You may find it helpful in making these decisions to visit existing early childhood programs. For instance, if you want infant care, you should be familiar with the Guidelines for Infant Care (See the Appendix of the MANUAL) and be prepared to show how you will meet these guidelines and that infants will be safe and healthy in your center. It would be helpful to have visited some infant care programs (MFY Child Care Center, 108 Avenue D, New York City, Tel. 533-2450; Riverside Church, 490 Riverside Drive, New York City, Tel. 749-7000) and to have talked with a hospital or community health service in your community about health services for the infants.

C. Find a Possible Site.

This can be either a building to be renovated, a lot on which a building can be constructed, or a building in bad condition which can be torn down and replaced.

Indoors: You will need at least 5,500 square feet for a 55 child day care center (three classrooms). The State strongly prefers plans for centers that can serve at least 75 children. Add 100 square feet for each additional child -- for instance, a 75 child center needs 7,500 square feet.

Outdoors: You will need about 50 square feet of outdoor play space per child. The space can be:

Yards connected to the day care center;
Roof space on your building;
Nearby playgrounds;*
Nearby parks.*

Lot size: If you want to build on an empty lot, it should be at least 25 feet wide.

D. Find An Architect.

An architect could help you decide whether the site you have found would make a good day care center. You will also need an architect to design your building. The state mortgage will cover the cost of the architect's fees.

One problem is that you will have to find an architect who is willing to do a small amount of planning before being paid. Many architects are willing to do this, however, because if your day care project is approved by the State and the City, the architect will receive the standard fee for architects for all the work that he has done. When you finally begin to get planning money from the Development Fund, you will be able to pay some of the architect's fee from this Fund. The remainder of the fee, and the money advanced by the Development Fund to pay your architect, will be paid back by the Youth Facilities Improvement Act mortgage.

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* The City and State are very reluctant to approve a new day care center if these are the only outdoor play areas.

E. Find a Lawyer.

At this point, you will need a lawyer to help you do the work involved in buying the property and getting the State mortgage. (It would be helpful, of course, to have a lawyer working with you from the beginning of your planning stages.)

The lawyer will also be necessary to incorporate your group and to get your group Federal tax exempt status.

If you want to hire a private lawyer, money from the Development Fund can be used to pay him for his services.

Volunteer lawyers are sometimes available from the following sources:

Community Law Offices;
CALS Offices.

You will find the addresses and phone numbers for these groups in the Directory at the end of the MANUAL.

F. Contact City and State Day Care Offices.

Keep in mind that, to get the mortgage loan from New York State, you have to deal with both

The New York State Department of Social Services, to get the loan to construct your day care center;

The New York City Agency For Child Development, from whom you get operating money to run your program and repay the State loan.

Once you have found a site that you think is suitable for day care, you should contact

Miss Clara Moore, Senior Social Services Consultant, Day Care
New York State Department of Social Services
270 Broadway, 16th Floor
New York, New York 10013
Tel. (212) 488-3484

Miss Moore will help you check with various planning boards to make sure that the site you have chosen will be available for your day care center. It is possible, for example, that a new school or new housing is scheduled to be built on the site.

Miss Moore will also give you more information on the Youth Facilities Improvement Act mortgage.

At the same time that you are checking out the site, you can be working on getting Agency For Child Development approval of your architectural plans.

Contact Mr. Bob Davis, Assistant Commissioner, Agency For Child Development. His address and phone number are:

Special Office of Day Care
66 Leonard Street
New York, New York
Tel. 553-5252

He will assign a consultant to work with your group. The consultant will visit your proposed site in order to determine whether it is suitable for a day care center facility.

G. Find Out About Buying the Site.

If the consultant approves your site as a possible day care center, you need to find out:

1. Who the owner of the property is,
2. If he will sell it to you,
3. The price he is asking for his property.

The State will not pay more than the fair market value of the property, but will not, at this point, look at your site and tell you what they think it is worth.

You can find out if the price is reasonable by having someone familiar with real estate appraise the site.

H. Getting the "Letter of Intent" from the City.

You want to get the City Agency For Child Development to write a letter to the State indicating that they like you and your planned program, and that if everything goes well and you meet all their conditions, they will pay your operating costs. This letter, often referred to as a "letter of intent," must include the number of children your center will serve.

Before you get this letter of intent, Miss Muriel Katz, director of the Division of Day Care, New York City Department of Social Services*, and Miss Florence Kennedy, her chief program consultant, must decide that your architectural plans include everything that is needed for a good day care program.

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* As of November, 1971, this was the City Department responsible for issuing the "letter of intent." This will change when the Agency For Child Development begins to operate.

The architect you have chosen may not be familiar with the city's day care requirements. He should contact Stanley Ciecierski, a DOSS architect, at 344-8468. Mr. Ciecierski can tell him about Building, Health, and Fire Department regulations that apply to day care centers, and the different kinds and dimensions of rooms that the Department of Social Services requires.

You and your architect should discuss the design of the day care center, taking into account the kinds of programs you want to include in the center. Your architect can then draw a rough sketch (it can be freehand) of the proposed center. He should then meet with Mr. Ciecierski, to make sure that the proposed plans meet all requirements.

When you, your architect, and Mr. Ciecierski are in agreement on the design, your architect prepares schematic drawings. These drawings will show the general layout of your building -- for example, where the walls are, where the bathrooms are placed, etc. No dimension lines are needed except for the outside of the building. Square footage for each room should be included. These drawings will be given to Mr. Ciecierski, who needs them to submit with a report to Miss Katz and Miss Kennedy telling them that the plans meet all requirements.

At this point, you will meet with Miss Katz and Miss Kennedy or one of the consultants from their office, the Division of Day Care. After you and the Division of Day Care agree on your building design, and how many children your program can take in, you will write the Division of Day Care a letter describing what you have agreed on and ask for a letter of intent. After they write the necessary letter of intent to you, you are ready to begin talking to the State.

I. Meeting with the State to Request Site Feasibility Study.

Once you have 1) your letter of intent; 2) your feasibility drawing for the proposed center; and 3) the price the owner is asking, you are ready to meet with the State to request a site feasibility study.

The person to contact is:

Mr. Connie Jones, Assistant Director
Bureau of Youth Facilities Construction
New York State Department of Social Services
270 Broadway, New York, New York.
Tel: 488-3500

The Bureau of Youth Facilities Construction administers the Youth Facilities Improvement Act. You, your architect, and your lawyer will meet with Mr. Jones to discuss your proposed day care project.

Mr. Jones will arrange for a team of inspectors from the Bureau of Youth Facilities Construction to visit your proposed site and meet with you. This team of inspectors comes to New York a couple of times a month. The State team may include a lawyer, an appraiser who will make sure the owner is charging a fair market price for his property, and an architect to evaluate the architectural plans.

To be prepared for this visit you should have:

1. Made sure the owner of the site would sell the building to your group, and have arrived at a price.
2. Had your architect estimate how much construction will cost.
3. Estimated what other costs you want to pay for out of the State mortgage.

These three estimated costs added together will give you the amount of the mortgage you are asking for from the State.

You will need to convince the State inspectors you have practical plans, are asking for enough money to carry out your plans, and are not asking for more money than they feel is justifiable.

The team of inspectors reports back to Mr. Arne Heggen, the Director of the Bureau of Youth Facilities Construction. The Bureau of Youth Facilities Construction meets a couple of times a month to review applications for proposed day care centers. If they find anything wrong with your plans, they will tell you. This may be several weeks after they visited your site and talked with you.

Some of the things that may go wrong at this stage are:

1. The owner of the property is charging too much money;
2. There are legal problems that make it difficult to buy or mortgage the property;
3. They don't think your estimates of construction costs are accurate;
4. They don't think that the building is in good enough condition for rehabilitation. Depending on costs, it may be possible to change your plans to demolition and new construction;
5. They think the total project cost is too much.

In some cases, these problems can be worked out; in others, however, the project may have to be abandoned because the problems are too great. If at this point you are having trouble with your site, the following groups may be able to help you:

Bank Street Day Care Consultation Service
610 West 112th Street
New York, New York 10025
Tel. 663-7200 Ext. 226

Community Law Offices
176 East 106th Street
New York, New York
Tel. 369-2007

Day Care Council of New York City
114 East 32nd Street
New York, New York 10016
Tel. MU.5-7017

J. Meeting With the State to Request Money from the Development Fund.

If there are no problems with your site, Mr. Jones will ask your group to do the following before you are actually able to receive money from the Development Fund:

1. Incorporate, following the form of the sample papers for a development corporation which he will give you. (For more information on incorporation, see Part Nine of this MANUAL.)

2. Have your lawyer arrange for a property survey and preliminary title report. The survey is to make sure you know the exact boundaries of the property, where pipes and electric lines are, and other details that affect construction plans. This should cost $100 to $200.
   The preliminary title report makes sure the person you are dealing with really owns the property, that there are no reasons why he should not be able to sell it to you, and that there are no other claims on the property that would prevent you from giving the State a first mortgage on the property.

3. Prepare a Development Fund budget, listing your expected planning costs, so that the State will know approximately how much money to allot to you from the Youth Facilities Development Fund.

K. Receipt of Development Fund Money.

You are now able to submit vouchers to the State for specific expenses incurred in both prior and future steps in planning your day care center. The State will then pay these expenses as the vouchers are received out of allocated money from the Development Fund. At this point, the group should have accounting procedures to keep track of the money. (See Part Twelve of the MANUAL.)

PART SIX

HOW TO BUY CITY-OWNED PROPERTY FOR DEVELOPMENT AS A DAY CARE CENTER

Peter Sauer
Bank Street Day Care
Consultation Service

Betty Rauch
Betsy Hone
City Venture

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CITY-OWNED PROPERTY

I. WHAT IS THE "IN REM" PROCESS FOR CITY OWNERSHIP OF PROPERTY?

"In Rem" is the name of one process which allows the City to take over ownership of any **buildings** or property on which there are more than 4 years unpaid taxes (the state legislature has passed a law reducing this time to three years on multiple dwellings and one year on an abandoned property; it became effective on July 1, 1971). There are other ways in which the City may acquire property, but our research to date indicates that the property acquired under the "In Rem" process would be most available for development of day care centers.

A. How Does the "In Rem" Process Normally Work?

The City is divided into tax districts (the boroughs). The City (tax) Collector's Office, in the Finance Administration, periodically checks one half of a tax district at a time to identify all properties within that area that have more than four years of unpaid back taxes (or in special cases three years or one year).

The City Collector's Office forwards a list of these properties to the Corporation Counsel's Office which begins foreclosure proceedings and sends notification to landlords that unless taxes are paid the "In Rem" Process will cause foreclosure and the City will acquire their property. If taxes are not paid, the Department of Real Estate acquires the property and puts it up for public auction.

Groups wishing to purchase City-owned property should do so after the Department of Real Estate has acquired it and before it has been placed up for public auction.

II. IF YOU WANT THE CITY TO ACQUIRE AN ABANDONED BUILDING IN YOUR NEIGHBORHOOD

It is important to point out that the law forbids the "In Rem" Process from applying to specific buildings. All buildings in the area must be acquired at the same time. The "In Rem" Process applies to one half of a tax district at a time. The districts generally are processed in the same order and it appears to take from a year and a half to two years to complete the cycle and to cover the whole City.

Therefore, if a group has identified a building that they think is abandoned and would like the City to take it over in order for them to purchase it, they must call the City Collector's Office (we suggest Mr. Gerald Honan at 566-2460) to find out when the area in which the building is located will next come up for the "In Rem" Process. If you do not have a specific building in mind, see Section IV; the City may already own property in your neighborhood.

III. WHERE WILL YOU GET THE MONEY TO BUY CITY-OWNED PROPERTY AND WHAT MAY BE THE PROBLEM?

The money for you to buy city-owned property can come from a state mortgage issued by the New York State Youth Facilities Construction Bureau (see Part **Five** of this Manual on Financing a Day Care Center with Money from New York State Under The Youth Facilities Improvement Act).

Section 410-j of this act enables day care groups, a representative from the State Youth Facilities Bureau, and a representative from the Department of Real Estate to negotiate a fair market price for city-owned property. It specifically allows the city to sell land for these purposes without putting it up for public auction.

The major problem may be that the city will ask a higher price than the state is willing to pay. If this does happen the Department of Real Estate may tell you that their price is set by public policy and that they can only lower it if the Mayor tells them to do so. This appears to be true, and several groups are asking the Mayor to change this policy and set lower prices for city-owned property that will be developed for day care centers.

The Bank Street Day Care Consultation Service (663-7200) may be able to help you in these negotiations, or may be able to put you in touch with others who have had experience in this process.

IV. HOW DO YOU FIND OUT IF THERE IS A CITY-OWNED PROPERTY IN YOUR COMMUNITY?

If you want to find out if there is city-owned property in your community which you may be able to purchase for a day care center, and if you don't have any specific building in mind:

1. Decide on the general area for the location of the day care center.

2. Write a letter to the Department of Real Estate stating that you are a community group interested in starting a day care center and requesting a list of city owned property in the area you have chosen.

   Commissioner Ira Duchan
   Department of Real Estate
   2 Lafayette Street
   New York, New York 10007 (Room 2000)

   (send a carbon copy to Deputy Commissioner Leonard Goldner, same address. Commissioner Goldner's number is 566-7530

3. When you receive the list, look at the sites and determine which one or ones would be appropriate for a day care center. For very general guidelines, see Part Two of this Manual.

V. HOW DO YOU PURCHASE CITY-OWNED PROPERTY?

4. At this point you may need a lawyer (see the Directory of this Manual) to assist in getting a letter from an official city agency (any one will do: Department of Social Services, Special Office for Day Care and City Planning Commission have been helpful in the past) requesting a "hold" on the property for the specific purpose of constructing a day care center (the Bank Street Day Care Consultation Service may also be able to help you get a "hold" on a property). This letter should be sent to:

   David A. Grossman, Chairman
   Site Selection Board
   100 Centre Street
   New York, New York 10007 (Rm. 1355 Municipal Bldg.)

   (send a copy of this letter to Commissioner Duchan of the Department of Real Estate, above address)

   This "hold" on the property is absolutely necessary to prevent it from being put up for public auction and thus being subject to competitive bidding from other would-be private buyers. The hold stays in effect until the state mortgage goes through.

5. You will now follow the procedure outlined in Part Five of this Manual. The only difference is that you are dealing with city-owned rather than privately-owned property. The inspectors from the State Bureau of Youth Facilities. Construction will appraise the property, and the state and city will negotiate the final purchase price.

PART SEVEN

PLANNING A HEALTH PROGRAM FOR YOUR DAY CARE CENTER

Lisel Moyer
Bank Street Day Care Consultation
Service

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INTRODUCTION AND ACKNOWLEDGEMENTS

This part of the MANUAL was written as a handbook for community day care groups who are planning and developing quality health programs in their centers. It is available separately (and by early Spring, 1972, we hope, in Spanish) from the Day Care Consultation Service of Bank Street College of Education (610 West 112th Street, New York City 10025). Preparation of this handbook has been made possible by a grant from the Association for the Aid of Crippled Children, New York.

Section One discusses parts of a complete health program.

Section Two suggests some of the health resources that are available to you now and outlines steps to take to put together a program with what is now possible.

Section Three is written for those groups who may want to make changes in the health resources offered by the city. It compares the city Day Care Health Program to the Headstart Health Program, discusses city agencies related to health and outlines some possible changes.

The APPENDIX is a directory of health contacts and direct health resources you might use.

This handbook is not going to solve the real health problems of children and their families in your community. Poverty, the lack of concern for peoples' right to decent health and the health establishment's unwillingness to provide decent health care at reasonable costs, are not going to change tomorrow. But a community day care center that struggles to develop a comprehensive health program with the families it serves can make a start. You will show the importance of quality health care by getting together a program out of the scraps available and then carrying on a struggle to make quality health programs a part of every day care center in the city.

Your health program is like the other programs in your center. It does not have to be a mystery area, understood only by doctors, nurses and other "professionals". Groups who are strong and united on their goals will overcome the many obstacles to a quality program for the children of their community. You know what the children deserve. I hope this handbook will help you get those things for them.

Many individuals, community groups and community day care centers contributed to this handbook. I would like to thank a few people especially: Penny Black and Bobbie Oxley of Childrens Mansion Day Care Center, Dr. Barbara Blase of Lincoln Hospital, Anne Graziano, Connie Jackson and Dr. Joe Kramer of MFY Group Child Care, Elizabeth Haynes of Five Star Day Care Center, Inez Padilla and Jose Diaz of El Nuevo Mundo Day Care Center, Harriet Bograd, formerly of Children's Circle Planning Corporation.

I am also indebted to many people working in city agencies, especially Dr. Marie Cassirer and Sadie Ezelle R.N. of Department of Health, Sari Salkow of Headstart and Delores Kassanjian of the Agency for Child Development.

Lisel Moyer
October, 1971

SECTION ONE

I. PLANNING YOUR HEALTH PROGRAM

In order to plan the kind of health program you need for the children in your center, you may want to learn about the many parts that make up a complete health program for children. So few people ever get good health care that it is hard to know what to look for in detail. Most people in America get their health care in small pieces. The pieces don't fit together and much time is spent going from place to place to get the different health services that we need so much. Without a complete health program, small problems grow into emergencies, and the children suffer. To serve the children, you will need to look for a health program that delivers all the parts that are needed and does this in a simple, organized way.

A. Summary of Parts of a Complete Comprehensive Health Program

Parts of the program you will need once a year

1. SCREENING TESTS AND PHYSICAL EXAMINATION
   The child should have complete screening tests and examination.

2. FOLLOWUP TREATMENT
   Any problems that show up in the screening and exam should be treated immediately.

3. DENTAL PLAN
   The child needs a cleaning, an examination, treatment and a floride application to protect his teeth.

Parts of the program you will need all through the year

4. GENERAL TREATMENT
   Children who are sick during the year need a doctor to treat general illness.

5. MENTAL HEALTH & OTHER SPECIALISTS
   Children, families and staff need consultation with mental health workers. Sometimes children need to be sent to specialists, such as experts

in hearing or development.

6. EMERGENCY PLAN
The center needs an emergency arrangement with a local doctor, hospital and ambulance service.

7. PREVENTIVE EDUCATION
A staff member needs to provide ongoing health education and information for children, staff, and parents, or to find someone outside the center who can provide this information.

8. FAMILY HEALTH
A staff member needs to work with parents on plans for health care for the rest of the family.

B. Parts Of A Complete Health Program

1. COMPLETE SCREENING AND EXAMINATION

Children under three need a complete examination every six months. After three they should be examined at least once a year. A complete examination will contain four parts: family health history, screening tests, immunizations, and physical examination. The screening part of the examination is very important. Tests will find problems that the physical examination will not detect. Because the screening and examination is the part of health care that is often rushed and inadequate, the section below is extremely detailed; you will see that much time and work is necessary to do a good screening and examination. Also you will notice that a doctor is needed for ONLY A SMALL PART OF THE EXAMINATION (the physical examination and review of the test results). If your center cannot get a doctor for much time a staff worker can collect the needed information in the health history at a time that is convenient for the parent. Then the doctor can meet with the parent at a later date to talk about a health plan for the future.

a. Family and child health history

Anyone who is trained to ask the right questions can find out about the health history. The doctor can use the health history to pick out areas of the child's health to check especially carefully. Questions to the parent should find out about:

General history

the pregnancy and birth
past illnesses of the child
any serious past injuries

any hospitalizations
immunizations
allergies
history of eating unusual things
 (like paint chips)
where health care has come from
what medicines child takes
places lived in outside of U.S.A.

Family health history

Examples of important diseases in the family are:

TB
Epilepsy
Sickle cell anemia
Diabetes
Heart disease
Kidney disease

The social history

The family worker or the mental health consultant will find out from the Board of Directors of the Center how much social information will be asked for to help families on:

housing
nutrition
crowding in the apt.
school history (if any)

Development history

No two children develop in the same way. Each one has a particular pattern of growth and learning. Understanding of the child's past development will help the health worker make a chart of the child's growth and plan special help for some children to develop to their best potential. This part of the history should include these "milestones": dates for

sitting
standing
walking
talking

The review of systems

The questioner will ask the parent about any problems she remembers in any part of the child's body.

These questions do not take the place of the physical examination. The problems that are picked up here will direct the doctor to make a special check in the problem area during the physical examination and laboratory testing. The questioner should ask about:

Head, ears, eyes, nose, throat
- headaches
- vision problems (ex. where does he sit for T.V.)
- hearing and ear infections
- nosebleeds or sinus problems
- frequency of colds

Chest
- heart problems (shortness of breath, fatigue, blue lips)
- lung problems (coughing, wheezing)

Abdomen
- appetite
- vomiting
- stools
- urination (painful, too frequent, too much)

b. Screening tests

For a complete examination laboratory tests are required. An examination that does not include lab tests is not complete and is not fair to the child. The dental examination should be given by a dentist or dental hygienist. The blood tests (3,4,5) can be given by a technician, nurse or doctor. Other tests should be given under the sponsorship of a health resource (see Section II).

	TEST	EQUIPMENT	PURPOSE
1.	Urine Urinalysis	- sample of urine - lab (microscope)	- to check for sign of kidney problem
2.	Tine test	- a skin prick	- to see if child has been exposed to TB
3.	Complete blood count	- blood sample - lab equipment - finger stick	- to check for anemias and other blood problems
4.	Sickle cell test	- blood from elbow vein - lab	- to check whether child carries the sickle cell trait or has the disease

any hospitalizations
immunizations
allergies
history of eating unusual things
(like paint chips)
where health care has come from
what medicines child takes
places lived in outside of U.S.A.

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TEST	EQUIPMENT	PURPOSE
5. Lead paint screening test	- blood from elbow vein	- to check the lead content level of the blood
6. Parasites	- stool sample	- to check for parasites
7. Vision	- eye chart	- to check for vision problems
8. Hearing	- special equipment	- to check for hearing loss
9. Development	- Denver screening test - Height, weight charts	- to measure rate of development in coordination language learning
10. Dental	- dental equipment	- to check for decay and plan preventive program

c. Immunizations - protection from disease

Immunizations are important. Diseases that may seem to be extinct are still being found in areas without good immunization. San Antonio, Texas, just had a small epidemic of diptheria. Whooping cough and tetanus are present in New York City. Every child should have innoculations for:

1) DPT (diptheria, tetanus, whooping cough)
   - administered 3 shots in a row, 6 to 8 weeks apart
   - one year after last shot, a booster is needed
   - then 1 shot of DT before entering school (adults don't get the P which stands for Pertussis - whooping cough)

2) Polio
   - administered like DPT

3) Combination shot for Rubella (German Measles), mumps, and Rubeola (red measles)
   - the child should have the TB (Tine) test before the Rubeola

4) Small pox vaccination
   - administered with a skin prick

d. Physical examination - (15-20 minutes)

Though the physical exam is useful, it is not complete without the history and screening tests. Without information and tests, the doctor can get only a general picture of the child's health. Therefore it is important to have all the history and screening information finished before the doctor makes the physical exam. A complete physical examination includes:

General:

- height and weight
- vital signs (pulse, respiration, blood pressure, temperature)
- head measurement (for development chart)
- eyes
- ears and throat for infection
- neck for masses (lumps) and glands
- lung sounds
- heart sounds
- abdomen (by feeling it)
- testes and hernia check for boys
- extremities (arms, legs) for balance, symmetry and joint motion

Neurological check-up for:

- awareness
- strength
- reflexes
- coordination

2. FOLLOWUP TREATMENT

After the screening and examinations are finished, you will need to do something with the results. They will all be recorded in the health records. All children whose results show that they need treatment should get that treatment immediately.
The center needs to:

a. Make sure that the parents understand the child's problem, and the need for treatment or further testing.

b. Find a health resource to treat the children.

c. Make a plan to get the treatment for the children. Help the parents plan to get treatment for the children. Some neighborhoods have night health services which are convenient for working parents. If taking a child for treatment is a great hardship for the parent, the center may be able to take the child for followup treatment.

d. Plan for community followup for problems caused by community conditions (lead painted walls, etc.)

The Headstart Health Services Manual lists health problems and the percentages of children with these problems who require followup treatment. These figures were taken from national statistics of 1967. Statistics for City children are generally much higher.

1.	Complete eye evaluation because of failed screening test	10%
2.	Eye glasses	1%
3.	Eye surgery	less than 1/10 of 1%
4.	Complete hearing evaluation	1-2%
5.	Followup of positive TB test	1-4%
6.	Iron deficiency anemia	10-40%
7.	Heart murmur requiring special evaluation	1-4%
8.	Urinary infection	½%
9.	Inguinal Hernia	¼-1%
10.	Skin disease	2-5%
11.	Asthma, Hay fever	2-5%
12.	Seizures	1-2%
13.	Impaired learning requiring evaluation	2-10%
14.	Behavior abnormalities requiring evaluation	2-5%
15.	Tonsils, circumcisions, umbilica hernias	0-1%

These figures do not include the results of lead paint screening and sickle cell screening. It is estimated that 10% of Black children and a smaller percent of Latin children carry the sickle cell trait. This may not cause the illness in the child, but further testing is necessary. Lead paint poisoning can cause irreversible brain damage to children. The Department of Health estimates that there are 6,000 - 8,000 children in New York City with dangerously high levels of lead in their bloodstreams.

3. DENTAL PLAN

Children need dental care at a very early age. If the decay in baby teeth is not treated, the teeth may rot and the base for the new teeth will be deformed. Children need frequent dental education, also, to encourage them to brush their teeth regularly and avoid foods that cause tooth decay.

For the dental plan, the center will need to:

a. Find a dentist or dental clinic to examine the teeth, to treat any decay and to clean the teeth.

b. Get a floride treatment to protect the teeth from future decay.

c. Get dental education for the children via films, lessons, and everyday procedures.

This program will be hard to find. The best prospects are probably the dental clinics in the district health centers (See p.114) or those operated by the Children's Aid Society (See p.112).

4. GENERAL TREATMENT

General treatment is the treatment for the common health problems of childhood: the cold, the fevers, the contagious diseases that occur regularly every year. Because it is a great hardship on parents to leave work and stay home or look for care for a sick child some centers are trying to find general treatment as a part of their regular health program. There are several ways of planning for the general treatment of the children in the center:

a. You can get a contact with a neighborhood pediatrician who can examine children with suspected illnesses and advise the parents and staff of the center. At one community day care center (MFY Group Child Care) a staff member takes a child to the "center doctor" in the neighborhood. The doctor checks the child, and then calls the parent at work and explains his diagnosis.

b. You can plan to take in children with minor illnesses

The time before a child shows the symptoms of a cold is the time when the cold is most contagious. Once the cold has arrived, the other children have already been exposed. Keeping the child away from the center would not prevent the spread of infection. The child with a cold can enjoy a day in the center if he is given a little extra care. It is such a hardship for parents to lose work and salary every time the child has a cold that many centers are making an extra effort to find ways of caring for sick children.

c. You can plan for the care of children with common diseases.

When the child is sick enough to stay at home in bed, the center might arrange volunteer sitters who would care for the child at home while the mother worked. If the mother can't leave work and no sitters are available, the center might set up a cheerful "sickbay" where the child could rest and watch the others at play.

d. You can help parents get quality treatment in the neighborhood.

If the parents don't have a good place to get general pediatric care, but do have the time to take the child for treatment, the center can help them find the best care available in the neighborhood.

5. MENTAL HEALTH AND OTHER SPECIALISTS

Mental health is often more important to people than their physical health. The children, staff and parents deserve a regular contact with mental health workers who can consult with, and counsel them. Some children will have special problems that need the care of a specialist. The center needs to have a contact with specialists in order to help the parents find the special help which their children may need. Mental health workers can help everyone understand normal development and help the center to function well at all times. The center can plan to have:

a. A plan for evaluation of children who parents and staff think may have emotional, neurological, or other learning disorders. Specialists should make these evaluations and recommend programs in the center that will help the child develop to his best potential.

b. A plan for counselling anyone connected with the center who has emotional problems that are interfering with happiness or doing a good job.

6. EMERGENCY PLAN

Emergencies do happen, and it is best to be prepared for anything. The center will need to plan for several possiblities:

a. You will need safety planning in the everyday program.

b. You will need a quick routine way of exiting the center with all the children in case of emergency.

c. You will need a doctor to call for advice for a minor accident that does not require the hospital.

d. You will need contact with the Emergency Room of a local hospital. Go to the Hospital and find out what forms the child must bring in order to get emergency treatment before the parent arrives. Sometimes the child is forced to wait until the parent arrives from work because the center did not have a permission slip signed.

e. You will need an arrangement with an ambulance service in case this is necessary. Post the numbers of the service clearly.

7. PREVENTIVE EDUCATION AND TREATMENT

With an ongoing health education and preventive health program, the children, staff and parents should have fewer health problems and a better understanding of how to stay healthy. At least one staff member should be responsible for:

a. Organizing a health education program for children, parents and staff.

Learning about safety, nutrition, sanitation, tooth protection and disease prevention, etc., can be a part of everyday living at the center. The health education worker at the district health center in your community can help parents and staff to plan a program.

b. Supervising and checking for development of the children in motor coordination, language, training and social development.

Someone is needed to keep track of the childrens' development and use a measurement test once a year to pick up children who will need extra help. The Denver Developmental Test, published free by the Mead-Johnson Drug Co. is a simple way to check on development. You can get it (free) by writing:

Public Relations
Mead Johnson Drug Co.
Evansville, Indiana 47721

c. Keeping growth charts for each child.

Some range of development is normal, among a group of children, but there are times when a child's development in talking, learning, playing or getting along with others is slowed down because of a health problem.

C. Setting Your Goals - Short Term and Long Term

After you have an idea of the many parts that are possible in a comprehensive health program, your planning group should make a plan to get the health program you want. List the parts of the program you want in the order of their importance to your center.

Some of the parts you will be able to find with the resources that are available in your community; these are your short term goals. Some parts you won't be able to get unless the city changes the day care health program; these are your long term goals.

SECTION TWO

I. REACHING YOUR SHORT TERM GOALS

Your short term goals are the parts of a health program that you want to find right now. Someone at the center will have to set aside time to find out what services you can get from the city, to find services in the neighborhood, and to organize the services he or she finds. This section offers some information to help you make the most of the resources that are available to the center at the present time.

A. What Does the City Offer Now?

The Department of Health, Division of Day Care has operated a partial health program for day care centers for the last twenty years. It provides the services of a visiting doctor and nurse. The doctor does not give lab tests or treat illness; he gives approximately the same kinds of services available in the child health stations. This is a start, but you will probably want much more of a health program for your children.

The Department of Health Day Care Health Program

1. Services:

The health services that are provided are:

- partial screening tests
- physical exams
- innoculations
- recommendations for future care

2. Who provides the services:

- A visiting health team of a doctor and nurse come to the day care center separately. The doctor is supposed to give innoculations and physical exams. He is also supposed to consult regularly with staff and parents. The doctor generally comes from the Department of Health, but CENTERS CAN PICK THEIR OWN DOCTOR ALSO.
- The nurse will come separately from the doctor. She is supposed to keep health records and make sure that the parents take the child for treatment when needed. Nurses generally come from the Visiting Nurse Association.

3. How is the program administrated?

   - The doctor-in-charge of the present city day care health program is Dr. Marie Cassirer, Department of Health, Bureau of Day Care, Day Camps and Institutions (566-6143). She arranges for a doctor to come to the center for "sessions" which total approximately 20 minutes per child per year. Miss Sadie Ezelle, R.N., the nursing consultant, arranges for a nurse to come to the center for "sessions" which total approximately 40 minutes per child per year. Dr. Cassirer and Miss Ezelle are swamped with the work of this program, carrying more than 200 centers now.

   - There is no one on the staff of the day care center who is paid to organize a health program in addition to the services offered by the city. The visiting nurse could organize additional health services but 40 minutes per child per year is hardly enough time to do this.

4. Who pays for the program:

   - Department of Health pays the doctor time.

   - The Agency For Child Development pays the nurse time out of general day care funds.

   - Department of Health pays the salaries of the administrators in the day care office of the Department of Health.

5. Good things about the program:

   - Some direct services are provided by the city.

   - The Department of Health realized that Child Health Station services are effectively denied to working mothers because of their daytime hours, and put those services into the day care centers.

6. Problems with the program:

   - The doctor's time is inadequate. Twenty minutes per child per year leaves no time for anything but the twenty minute physical which is required once a year.

   - The nurse's time is inadequate. Forty-four minutes per child per year is scarcely enough time to organize health records and prepare for the doctor's session. These activities do not make a health program!

- The doctor does not do any treatment.
- The doctor does not do any of the important lab tests the children need.
- The burden of finding health services is put on the parents completely. They receive no help in finding services. They may lose time and money.
- There is no health worker at a center paid to organize a program.
- There is no money allotted to get health services.
- The doctors and nurses assigned are frequently unresponsive to needs of the parents and children. They do not feel accountable to the center.

B. How To Get The Day Care Health Program Offered By The Department of Health

Soon after your center opens, your day care consultant should tell you how to contact Dr. Cassirer (566-6143), the doctor in charge of the day care health program at the Department of Health. Even if your consultant does not do this, you should call Dr. Cassirer as soon as you are ready to talk about getting a Department of Health Program. Ask her to set a date for meeting with you and other centers in your neighborhood to talk.

1. Things to do before the meeting with Dr. Cassirer

a. Talk with other day care centers in your area. Find out if they want to plan a health program with your center. Find out what services they have gotten so far.

b. Make every effort to find a children's doctor in your neighborhood who could serve one or more centers. Ask your doctor to meet with you and Dr. Cassirer.

2. Things to do at the meeting

You should get commitments for several things during the meeting. Every center is entitled to at least the services which have been given in the past to day care centers.

a. The Department of Health should provide you with a visiting doctor or pay an equal amount to a doctor you have chosen.

b. Department of Health should provide you with a visiting nurse or accept a nurse that you have found.

c. Department of Health should give you health information and forms for health records.

d. If you think the amount of time allotted for the visiting doctor and nurse isn't enough, tell Dr. Cassirer. She can recommend an increase in time.

3. What other services should you look for?

Unfortunately, the Department of Health program only provides a few preventive services. You still have many parts of a complete health program to find. You will need to find health workers who can give the children the parts of a complete health program that you want! Complete Screening and Examination, Followup Treatment, Mental Health and other Specialists, Dental Plan, General Treatment, Emergency Plan, and a Prevention Program.

C. What Do You Have To Find?

You will need health workers' time, the services they can offer, and some kind of payment plan for the services the children receive.

1. Who are the health workers you will need?

a. A staff member of the day care center to organize the health program

- to keep health records
- to supervise health development
- to help with screening tests (vision, hearing, development)
- to plan health education
- to get the children back and forth from health services
- to work on followup treatment after the examinations
- to work with families on family health
- to give advice, supervision and training to center staff workers and parents

The list can go on and on. ALL YOU HAVE NOW IS A FEW HOURS OF NURSE TIME. Someone else on the staff is going to have to do the rest of this enormous job until ACD issues more nursing time for each center. You may assign the job to one staff member, or split the work among several staff.

"Until a doctor or nurse can be found for a Day Care Center the family worker might find it fulfilling to institute a health program. Since the family worker is concerned with the families social and economic needs it is well within the line of duty to function in this capacity. A total identification with the families' problems, social, economic or health care is the first step to making the job of family worker a meaningful asset to day care.

"When a child enters a Day Care Center much information can be derived from his parents concerning his health and the general health of the family. From here steps can be taken to help each child with the problem he might have. Each Day Care Center should have a health program built around the needs of its own children.

"Since little or no money is available from the city for health programs neighborhood resources available should be used when ever possible. The financial status of your center should be made known before any services are performed so that there will be no doubt as to what you need--good service for little or no cost. There is always the problem of having to go all over town for different services but the children are still getting help. Other members of the family often can not be serviced through these same services and other resources must be provided as the need arrives.

"I am a parent and the family worker at Childrens Mansion Day Care Center (107th and Riverside, Manhattan). I have worked out a patchwork program for the children here and would be very happy to help anyone organize a program for their center. My number is 666-8484.

Penny Black"

b. Services of a doctor, preferably a pediatrician

- to screen and examine children regularly, with lab tests
- to followup on tests and examinations
- to work out a health plan for each child
- to give innoculations
- to give general treatment for illness as it comes up during the year

c. Services of a dentist and dental hygienist

- to clean and examine children's teeth
- to treat dental problems
- to give fluoride treatment for prevention of decay
- to give dental education for prevention

d. Services of a mental health worker (psychologist, psychiatrist or psychiatric social worker)

- to consult with parents and staff regularly
- to counsel families
- to evaluate and treat children with emotional problems or learning problems

e. Services of specialists when needed

- specialists in areas such as reading, hearing, and learning development will be needed for a few children. The center should have a way of getting in touch with good specialists when the doctor thinks they are needed.

2. Where are the health workers you need: health resources of the community

There are several different kinds of health resources available in every neighborhood. As with other things, however, the poorest health care is generally found in low-income neighborhoods. You can find quality care in your neighborhood if you know what services you want.

a. Complete care centers

There are two kinds of Federally sponsored health centers in New York City. Both give complete care to the people in a small target area around the center. One is the Neighborhood Health Center, which gives complete care to families. There are seven of these in the city.

The other center is the Children and Youth Program, which serves children only. There are nine of these in the city.

These centers offer excellent health care. They give medical, dental and mental health care to families living in their target area. Some of the centers will give partial services to Headstart and Day Care Centers near them. To find out if there is a center near you, see p.116 .

Services that may be provided by complete care centers are:

- complete health care

b. The neighborhood doctor

A children's doctor can provide most of the services you need. Sadly, it may be hard to find a doctor generous enough to treat all of the children in return for Medicaid payments. But at least one center (MFY Group Child Care) has found such a doctor.

Services that may be provided by a neighborhood doctor are:

- screening tests
- examinations
- followup treatment
- general treatment
- recommendations for care of specialist

c. The neighborhood dentist

Try to find a dentist in the neighborhood. Ask Headstart centers, parents and community health organizations. Call your district health center to ask to use their dental clinic.

Services that may be provided by a neighborhood dentist are:

- prevention care
- dental examination and cleaning
- dental treatment when necessary

d. H.I.P. Insurance Group of Doctors

The same insurance group that is offered to the staff of the day care center can be a group to serve the families in your center who are Medicaid-eligible. If you cannot find care elsewhere, you may want to talk to Medicaid-eligible parents about their right to register with a H.I.P. group of doctors for complete care for the family. For information on the H.I.P. group nearest you, call PL.4-1144.

Services that may be provided by a H.I.P. group are:

- complete services except dental care

e. Hospital pediatric clinics

There are two types of hospitals in the city which operate Pediatric Clinics. Voluntary Hospitals are operated by non-profit groups. They are usually connected with a medical school and nursing school. They have prestige because of their teaching staff, and treat most patients with a combination of students, junior doctors and senior doctors. The other hospitals with pediatric clinics are the City Hospitals. These vary widely in quality throughout the city. Investigate the city hospital near you. They may have a good pediatric clinic. City Hospitals are also connected with medical and nursing schools but do not generally use medical and nursing students to supplement their staff. They are more crowded than the voluntary hospitals because they are required to serve every patient in their zone and because they have smaller staffs.

Services provided by hospital pediatric clinics:

- complete screening tests and examination
- followup treatment
- specialist care

f. Department of Health Services

The Department of Health offers a variety of services. You cannot get all of the services at one place. Each service seems to come from a different program. The services may be fragmented but they are free.

Child health stations

Located in each neighborhood, these stations offer some preventive health services for children.

- innoculations (some stations will send a nurse to your center to give these)
- physical examination
- health education

To find the child health station nearest you, see APPENDIX p. 115

District health centers

There are 27 district health centers in New York City. The district health officer works in the center. He can usually give you much information about health resources in the area. Call the district health center nearest to you, and speak to the district health officer. You might arrange a meeting to review the services available to the center.

Services offered in most district health centers are:

- eye screening and eyeglasses
- some dental work for pre-school children
- some lab tests
    - sickle cell anemia testing
    - lead paint poisoning testing
- health education (films, literature, etc.)

To contact the district health center nearest you, see APPENDIX p.114.

Other Department of Health services you might use

Lead Paint Poisoning Program

If you contact Mr. Eric Robertson at 566-1731, you can make arrangements for Department of Health personnel to come to the center and test all the children for lead paint poisoning. You may want to bring brothers and sisters in to benefit from this program. The Lead Paint Poison Control Bureau will

1. Send personnel to test the children.
2. If a child is found to have a positive test the department will send a nurse to interview the parents and send inspectors to check the walls of the apartment for lead paint. They will also help the family get a child in need of medical treatment to the hospital.
3. If the apartment has leaded paint, the Department of Health will order the Landlord to take all the old paint off the walls and repaint the apartment.
4. If the Landlord does not respond within a few days, the Department of Health will contract the job to a painter and bill the Landlord.

Health Fair Program

If you contact Mrs. Gloria Mills or Mr. Ralph Edwards at 566-7747, you can make arrangements for your center to sponsor a Health Fair in your neighborhood. Here booths of all sorts can be set up to give many important screening tests, innoculations and health education. Everyone in your neighborhood will be welcome to come to the fair and take advantage of up to 22 booths and exhibits, and mobile testing units. Some of the units available are: V.D. testing unit, sickle cell anemia testing unit, TB testing unit, lead paint testing unit.

3. What can the Center offer NOW for payment for services from the health resources listed above?

Though the day care health program will be changing soon, right now YOU ARE LEFT WITH ALMOST NOTHING TO OFFER TO PAY FOR HEALTH SERVICES. You do have a few resources to bargain with.

a. Medicaid payment for any services received by Medicaid-eligible children

Doctors and dentists MAY agree to take on the entire group of children and include the non-Medicaid children at a low rate or even for free. You are offering them a large group of children on a regular basis. A few centers have found a concerned pediatrician and dentist in the neighborhood who will work on this basis.

b. Department of Health money allotted now for doctor's time for day care health plan

The Department of Health pays their doctors approximately $16.00 an hour for visiting day care centers. At the rate of twenty minutes per child per year, you can figure out how much doctors' time you would be given under the present plan. You should be able to:

1. Get your doctor paid the Department of Health money allotted for a visiting doctor

or

2. Get the money paid directly to the center.

THIS AMOUNT OF MONEY IS VERY SMALL. For thirty children, the amount would come to about $160.00 for the year.

c. DOSS money for nurse's time

The day care money channeled through DOSS for Agency for Child Development Day Care programs pays for the small amount of nurse's time now given to the centers. The nurses are paid about $6.50 per hour. They are hired for approximately forty-four minutes per child per year. That is, for thirty children, you should have $120 budgeted for nurse's time for the year. ACD has decided that the nurse time money may be used by centers to pay for any kind of health services they can find. For instance, five centers might combine their nurse time money to hire a joint nurse. Unfortunately, the amount of money allotted now is too little to secure the services you need.

D. Steps In Finding The Services You Need

You will probably have to go through many steps to develop your health program. Generally, you will have to:

1. Organize the staff and parents for health

You will need to choose someone to take responsibility for organizing the services that you get. (See staff health worker, p. 69). The family worker is probably the staff member who will carry this load, along with all her other work.

2. Plan exactly what you want for a health program

Know the services you want and know how you want them delivered. Your plan should cover each area of complete health care: Screening Tests, Examination, Followup Treatment, Dental, General Treatment, Emergency, and Prevention Program.

3. Find out all of the health resources in the community

The Directory in the APPENDIX (p. 109) lists guides to health resources and some direct services community centers have used. Other day care centers may also help. Headstart Centers can give you a good start. They are supposed to find their own resources for at least four parts of the health program you want: Screening Tests, Physical Examination, Followup Treatment, and Dental Plan. You may be able to get the same services at the same place as Headstart. Headstart centers may have an easier time getting the services because they have 90% Medicaid-eligible children, but you should try their resources. Call a center in your neighborhood or call the Headstart Health Coordinator, Mrs. Sari Salkow (433-3745), for advice on Headstart health resources in your neighborhood.

You can use the Directory in the APPENDIX (p. 109), word-of-mouth and advice from parents to find out the resources that exist.

4. Call and arrange a meeting with each resource

Start with those that can provide the most services. Every health resource will have someone who should talk to you. Call and ask for the person in charge of children's care. If you explain briefly that you want to talk about a day care health program, hopefully the operator will find someone for you. If someone connected with the center knows someone who works at the resource, things will be easier to arrange.

5. Plan what you want to cover at the meetings

a. The staff health person should go to the meeting with at least one Board member or parent.

b. Take careful notes of everything talked about.

c. Explain the different parts of a health program that you need.

d. Find out exactly what services they can offer you.

e. Talk about payment. Explain that you have only Medicaid fees for Medicaid-eligible children to offer. A doctor can receive the small fee from the Department of Health if he sees Dr. Cassirer and is accepted in the program (much red tape).

f. Talk about HOW they can deliver the services.

- Where will the services be delivered, in the center or at the health resource?
- When will the children receive services, once a year or anytime through the year?
- What work will the center be responsible for, health records? transporting the children? taking health histories?

6. After the meetings, meet with your planning group and put the pieces of the program together.

The services that are still missing may be found outside of the neighborhood.

E. Getting Services You Can't Find in the Neighborhood

1. Directories that help you find more health resources

   a. Guides to Community Resources

   Prepared by Pratt Center for Community Improvement and Human Resources Administration, these handbooks are excellent directories with a listing of health resources for most low-income neighborhoods in the city. The directories are now out of print, but you can use them at the offices of your Community Corporation, at Pratt Center for Community Improvement, or at Bank Street Day Care Consultation Service. See the APPENDIX, p.111.

   b. Directory of Social and Health Agencies of New York City, published by the Community Council of Greater New York every two years.

   This is a complete directory of the agencies and organizations that work with areas of social welfare and health. You can find this book in the reference sections of most libraries and can get information from it there.

   c. Project Headstart Health Services - A Guide For Project Directors and Health Personnel

   This is an excellent manual on the development of the Headstart Health Program. You can order it from:

   Project Headstart
   Office of Child Development
   U.S. Department of Health,
   Education and Welfare
   Washington, D.C. 20201

2. Doing things yourselves

Some of the health services can be done by your staff, if they get some training so they can understand what is needed. The health coordinator for the HEADSTART program trains the center health workers to perform some of the needed services like:

eye screening
TB testing
urine testing
health education

To find out what services you can learn to do, if you have to, call Bank Street Day Care Consultation Service 663-7200, ext. 225.

3. Getting volunteer services

   There are several places where you can find volunteer health workers, who can help you set up a program or talk to the group about particular health issues like LEAD POISONING.

   a. For technical information on a health subject, call HEALTHPAC (a group of people researching health issues and giving information to community groups) (267-8890)

   b. For more information on getting advice and volunteer help in setting up your program, call Bank Street Day Care Consultation Service (663-7200, ext. 225).

4. Getting free or low-cost city-wide services

   Some centers are discovering special agencies that will deliver parts of your health program. Two examples are:

   a. HEARING TESTS can be secured from the League For the Hard of Hearing. Testers will come to the center to test the children (free of charge) and help children who need further testing to get it. Childrens Mansion Day Care Center has used this service.

      Call: The League For the Hard of Hearing
      17 West 23rd Street
      New York, N.Y.
      Phone #924-3230

   b. DENTAL WORK can be secured from one of the seven dental clinics run by the Childrens' Aid Society. The center and the clinic can work out a charge according to the incomes of the families served. Childrens Mansion Day Care Center uses this service and worked out a charge of $1.00 per child for a visit.

      To find out what Childrens Aid Dental Clinic is nearest to you, call:

      Dr. Bernard Drobner
      Childrens Aid Society
      150 East 45th Street
      New York, N. Y. 10017
      Phone (MU.2-9040)

For a Directory of health resources or guides to resources, see the APPENDIX (pp. 109-117).

F. MFY Group Child Care: the Development of a Community-Controlled Day Care Center's Health Program

by Anne Graziano

MFY GROUP CHILD CARE

The MFY Center, a 45 child center on the Lower East Side of Manhattan, serving children from eight months to six years, was originally funded through Federal Funds. Our Health program consisted of hiring a part-time Registered Nurse (21 hrs. per week).

Responsibilities:

1- To work directly with individuals and families around health problems, treatment plans, preventive aspects of health.

2- To act as liason between sick persons and medical and related institutions in the community.

3- To consult and develop educational programs with parents and staff involved in the child care program.

4- To consult with staff of medical institutions serving in MFY area around problems, in general connected with poor patients, minority groups and depressed areas.

This was the ideal situation for the MFY Center. It allowed the nurse to become familiar with each child, his medical or emotional problems, his performance in the classroom plus his home environment.

Children had all the recommended immunizations, plus eye screening, hearing detection tests. The center nurse was responsible for the health program for the entire family.

Program Set-up by Department of Health

At the completion of federal funding MFY became part of Department of Social Services Day Care 12/67.

While D.O.S.S. had a budget line for health services (private nurse) it was not adequate and did not meet the needs, of MFY program, as had federal funding monies. The D.O.S.S. budget allowed only 3 visits per month at 2 hours per visit, at a much lower rate of pay; it was decided that MFY could continue with the Nurse at 17 hours per week at 3.90 per hour or 66.30 per week!! Needless to say the offer was rejected by our nurse.

Since procedures and guidelines for licensing Day Care Centers is established jointly by Dept. of Health, and Dept. of Social Services we then applied for a "Health Team" through Dept. of Social Services Consultant, and Dr. Cassirer, Department of Health, Division of Day Care. After several meetings with both agencies it was decided that MFY Health Program would be set-up with Bellevue Hospital Pediatric Project. The rational for this decision was that the Department of Health didn't have enough "Health Teams" to accommodate the MFY Center.

The "Bellevue Plan" did not work for the following reasons.

1. Parents reacted to the distance and impersonal attention.
2. Long waits in the hospital.
3. Pressure of follow-up clinics, initial physical exam included ears, eyes, teeth, but any specialized service involved more time, plus billing.
4. Problems with payment of bills, regardless of medicaid Health Insurance.
5. "Chronic Appointment Breakers"

At this point a new plan was put into action, to review the MFY Health Program, and take more positive steps towards "community" needs.

MFY's Present Health Program"

1. Developed our own health and follow-up records.
2. Interview each family as they registered re: their personal health plan or lack of plan.
3. Involve the Beth Israel I SPY clinic and the children's health station for the children's basic tests.

Several months later a Pediatrician moved into the community. Several meetings were held with the Pediatrician re: his practice, or lack of it, as a "newcomer" to the community. We felt that we could work in a positive manner with Dr. Kramer so we did the following:

1. The children in the Center and the families without any Health Services would start immediately.
2. Any family involved with another health service i.e. clinics-Health Station, or private physician; and expressed a desire to change to "our" Pediatrician could do so.
3. Medicaid and Health Insurance was accepted and/or minimal payment if families preferred to pay. (In many instances services are free).

4. MFY would continue to use Center health forms that were developed for that purpose. Individual records are kept in the Center. Duplicate records are kept in the Doctor's office.

5. Records are reviewed monthly.

6. Pediatrician proved most valuable - all specialized needs are recommended through his office. Entire families are being treated as a unit. There is resource for hospitalizations that aren't necessarily Bellevue!

MFY continues to meet Health needs as they arise i.e.

1. I SPY Clinic is used for purposes of mass testing Eyes, Hearing, follow-up done at Beth Israel Hospital.

2. NENA Health Services (community) does lead poisoning.

3. We promote Health Fairs in the community as part of MFY Center responsibility to children and adults in our "Casual Program". Sickle cell anemia testing was our priority need this summer. Since the Health Station, NENA health services, and our pediatrician were not prepared for this particular test, nor was the Dept. of Health, MFY involved a Mobile Health Unit. The Health Fair was held for 3 days on MFY playground. Following tests were given for:

   Sickle Cell
   Tine Test
   Diabetes
   Pap
   Blood test - VD
   Hearing tests - (Adults only)

MFY's Problems that still exist:

1. The use of I SPY for hearing-sight tests.

2. NENA health services for Lead-Poisoning.

3. Mobile Unit for blood tests.

4. Lack of communication with outside Health Agencies.

   a) Long waits for test results.
   b) Long waits for appointments.
   c) Many problems getting abstracts from hospitals when child has been hospitalized.
   d) Clinic fees.
   e) Lack of mental health facilities.

5. Problems working parents have keeping appointments with doctors - clinics.

6. Problems with follow-up Health Services for our "Casual Families" who may use the Center sporadically.

MFY's Desires and Recommendations for Comprehensive Health Program:

1. Utilize present Child Health Stations - staffed with Pediatricians, Dentists, Social Workers.

Hours to meet needs of working mothers, tests to include all health services from blood tests to sight - hearing (not just Pxs - immunizations). To act as resource for any child and/or family needing therapy either mental or physical.

2. Private nurse in each Center as we previously had - liason between child - family - health services, etc. - and Social Worker with MSW in each Center.

3. If it is to be a Visiting Health Team, allot more time to each Center with many of the necessary tests not presently done.

Anne Graziano, Director
MFY Group Child Care

SECTION THREE

I. IDENTIFYING LONG TERM GOALS

In planning the center's health program, you probably divided your goals into short term goals - those you could get with the resources now available - and into long term goals - those that could only be reached if the resources now available for health programs could be changed. This section gives information that may be useful as you establish your long term goals and as you try to reach them by working for changes in present health programs. The needs of day care centers will, of course, vary according to the already available health resources in their communities.

A. For Child Health

Families served by the center should include in their long term goals an ideal health program. The center can get along for a while with a patchwork quilt of a health program, developed from presently available resources. Eventually, however, each center will want to reach all of the parts of a comprehensive health program that the parents and staff think are needed by the children. To do this you will probably have to get changes in the resources that are offered by the city for your health program. You should decide what parts of a comprehensive health program your center needs but has been unable to get from the resources available. Then you must figure out what you need to be able to get those missing parts, and plan to get them.

An example of the short and long term plans for a child care center might be:

NAME OF CENTER: El Nuevo Mundo

SHORT TERM PLAN:

1. Health Worker to Organize Program................family worker and director
2. Complete Screening and Examination...............Brookdale Comprehensive Child Center
3. Followup Treatment..................Brookdale Pediatric Clinic
4. Dental Plan........................
5. Emergency Plan............................Brookdale Hospital
6. General Treatment...................two neighborhood doctors
7. Mental Health Specialists.......................
8. Health Education and Preventive Treatment........

LONG TERM PLAN:

1. To get a nurse and/or other full-time health worker to help organize the health program.
2. To find ways of providing the parts of the health program that we need but don't presently have.
3. To get a health program that is more unified and organized than we have now.

1. The Headstart Health Program is a good model to build on

Day Care and Headstart are two pre-school programs that have health plans. Though both have limited health programs, HEADSTART clearly demonstrates a more complete commitment to the health care of the children than does the day care program. Headstart's commitment to complete screening tests, its allotment of staff for social service and health work and the ongoing training and workshops by the health coordinator make it a model for day care to build on.

2. The Headstart Health Program

Services:

a. complete screening tests

b. physical examination

c. followup treatment for screening

d. dental exam, cleaning and treatment

(all of the above services are required for Headstart centers)

e. part-time psychological services are available if the centers choose them.

Who provides the services?

a. Each center tries to find health services in the community. Some services are provided by the center's service team. For other services the center sometimes has to go to several different places.

Who organizes the program?

a. The Health Services Coordinator for all Headstart centers is Miss Sari Salkow (433-3705 or 3745). She supervises the health programs, provides training for health workers and serves as an ongoing resource for health workers at the centers. This office also develops special health projects.

b. Each center has someone on its family service team assigned to organize the health program.

c. Each director is given an excellent health handbook (Headstart Health Services) which describes the suggested health program in full, and a letter to possible health resources, describing the health services required in the Headstart Health Program.

Who pays for the program?

The Federal Government pays 80% and the City pays 20% of the cost of the total Headstart Program. Headstart funds pay for a staff, including a central Health Services Coordinator and Family Services Team in each center. Unfortunately, since Medicaid was passed, there has been NO MONEY ALLOWED FOR PAYMENT FOR HEALTH SERVICES other than this staff time. When centers try to get services (those their staffs can't provide) from health resources in the neighborhoods, they often find them hard to get because only Medicaid payments are available to use to purchase services.

Good things about the program:

a. There is a large family service team. Staffing for each 60 child center includes: 1 part-time social worker and psychologist, AND 1 family assistant full-time and 2 family workers full-time OR 1 family worker full-time, 1 family assistant full-time and 1 health services worker full-time.

b. If the center doesn't have a health worker (centers funded before 1969), then the health work is assigned to another member of the family service team.

c. The program requires COMPLETE lab tests and screening.

d. The psychologist who can give direct mental health services is paid for out of the general Headstart budget.

e. The good parts of this program could easily be adapted for Day Care Health. The present central office could be enlarged to train health workers for day care centers and serve as a central resource for both Day Care and Headstart programs.

Problems with the program:

a. The program is not complete. Care is not provided for General Treatment (as described in Section I). Plans for care of other family members are suggested, but generally there is no treatment for other members of the family. After the child leaves Headstart, there is no program available through Headstart to continue the child's health program.

b. There is no payment for direct health services. Most non-Medicaid children have nothing with which to pay for services. Medicaid children can be treated for Medicaid fees, but the fees are so low that often the centers can not find quality treatment.

c. The health worker that is assigned to each center (after 1969) is paid a very low salary - $5,700 base. In a center without a health worker, the health work is assigned to a family worker. This person makes an even lower salary - $5,200 base.

d. There are no funds earmarked for TRANSPORTATION. Many centers must take children long distances to get health services.

e. Despite pressures from Headstart, many health resources are resistant to the health needs described by the centers. Particular areas of difficulty are vision screening, hearing screening and dental care.

3. Chart comparing the present city programs with health needs of community day care centers: Day Care Health Program (Dept. of Health), Headstart Health, Needs of Community Centers.

This chart may help to show the enormous differences between the Dept. of Health Day Care Health Program and the Headstart Health Program. You can also compare both programs to needs discussed by community day care centers.

PARTS OF A COMPREHENSIVE HEALTH PLAN	DEPT. OF HEALTH DAY CARE HEALTH PLAN	HE
1. SCREENING AND EXAMINATION	- not enough nursing time - no lab tests - not enough doctor's time - not enough screening tests - no money to pay for services	- - - -
2. FOLLOWUP TREATMENT	- no treatment provided - no money to get treatment elsewhere - not enough nurse's time to organize	- -
3. DENTAL PLAN	- none	- -
4. MENTAL HEALTH AND SPECIALISTS	- not enough nurse's time to plan - no money to get services - no mental health staff	- -
5. GENERAL TREATMENT	- none	-
6. EMERGENCY	- suggests procedures - no money to pay doctor on call - no money to pay ambulance - no money to pay for Emergency Room	-
7. PREVENTIVE EDUCATION AND TREATMENT	- not enough staff and parent training - not enough nursing time to organize a full program - innoculations	-
8. FAMILY HEALTH PLAN (plan for other members of the family)	- a plan may be made but there is no time to followup	-

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HEALTH PLAN	HEADSTART HEALTH PLAN	NEEDS OF COMMUNITY DAY CARE CENTERS
ne ime ests rvices	- complete examination is required - complete screening tests required - center has a health worker to organize program - no money for services	- health worker to organize - training for staff worker in screening - money to secure services
nent elsewhere ne to organize	- staff worker to organize - no money to pay	- health worker to organize - transportation to services - money for services
	- staff worker to organize - no money to pay	- health worker to organize - dental prevention program - dental treatment - money to pay for treatment
ne to plan ces f	- psychologist part-time - health worker to organize	- health worker to organize - money to pay for services - regular consultation with mental health workers
	- none	- contact with quality neighborhood care - plan for sick children
r on call ance nergency Room	- same as day care	- contact with doctor for minor accidents - contact with Emergency Room - health worker able to get child to care - money to pay for ambulance and treatment
parent training ne to am	- staff worker to organize with the help of central office	- health worker to organize - program for staff, parents, children - trips and visits
t there p	- limited success	- plan to help the rest of the family get health care of quality - extension of health services to other children in the family

B. For Family Health

1. What health care are families in day care now receiving?

a. Outside the day care center

The day care family presently has very little access to good health care. The families are usually either Medicaid-eligible or working at low paying jobs. The Medicaid family has the ability to get care free of cost, but the resources in their neighborhoods are usually poor, and families must often wait long hours to receive what little care is available.

[illegible] families who do not have Medicaid but still have low incomes have the least access to health care. They have to pay high fees for every visit and usually limit the family health care to Emergencies only. They have an additional disadvantage; clinics in the city are rarely open after five o'clock. Working parents must not only pay high fees at the clinic, but also must miss a day of work each time someone needs health care.

Some families in day care have health insurance plans from their jobs. City employees have almost complete health care plans but most employee health plans cover only stays in the hospital.

b. Inside the day care center

The day care family gets very little care for the child inside the center. A physical examination once a year, free innoculations and eye screening is care that is better than nothing, but it is still inadequate and does not come close to meeting the health needs of the family.

2. How is health care delivered?

There are several ways of delivery. Health care is paid for according to the way it is delivered.

a. Care delivered in pieces.

Most health care today is delivered in pieces. Families have to go from place to place to get complete health care. In New York City, a family might go to a neighborhood doctor for general treatment, to the Child Health Station for free innoculations for the children, to the local Hospital Emergency Room for night treatment and for special problems, to the local Mental Health clinic for emotional problems, AND SO ON.....Day Care families are particularly victimized by this non-system.

When care is delivered in pieces, it is usually paid for in pieces.

b. Care delivered by a group of doctors

In this plan a group of doctors work together. The special problems in a family can be treated by different members of the group. The whole group should know the family and join to give them good care. Usually the family sees the same doctor every time, but when he is unavailable, another doctor in the group will fill in.

More and more doctors are working in groups. The payment is either by an insurance plan (like H.I.P.) or by payment after each visit to the group. Medicaid-eligible families may join H.I.P. Insurance Plan Groups but they can not use any other health service than H.I.P. after they are registered. Staff of the day care centers are also eligible for H.I.P.

c. Care delivered completely from one unit: Comprehensive Care

Comprehensive health care delivery is a goal for the health system in this country. Some countries have already organized and financed it. All of the necessary parts of complete health care that were discussed in Section One can be offered by a Comprehensive Health Center. There are a few of these now operating under Federal sponsorship. If you are lucky enough to live within their target areas, the entire family can get all the health services they need at the health center.

Comprehensive health care is paid for by special Federal funds and Medicaid funds. Anyone within the target area gets care without charge, but if the person is Medicaid eligible, then the health center charges Medicaid fees for each visit. If the person has any form of health insurance that pays for doctor's visits the center will collect on this.

3. How could a comprehensive health program provided via a day care center contribute to family health?

The family who uses a day care center is in touch with what can be a stable community resource for a minimum of three years for each child in the family. Increasingly, centers are running programs for children 8 months to 12 years old. The child care center can become a resource center for many of the needs of the day care family. The day care center can contribute to family health by planning a health program that introduces families to their right to complete health care, that helps them make the most of the community health resources that do exist, and that gets necessary health services to the children in an organized group plan. The City-funded day care center can become the family's first introduction to quality health care for children.

This would also be a far better introduction to the City health system than the Well Baby Clinics at the Child Health Stations. Mothers bring their babies to the Child Health Stations only to find that for most health services they must go elsewhere. In the past, the same thing has happened in the day care center. But the new Agency for Child Development has a chance to change this.

II. REACHING LONG TERM GOALS
HOW HEALTH PROGRAMS IN THE CITY ARE ADMINISTERED AND WHO CAN MAKE CHANGES

The ideal health program for each center will vary according to the resources available in the neighborhood. But every center needs to have the tools necessary to provide the health services needed, or to find those services outside of the center. Every center must have 1) a staff member paid to take responsibility for developing a health program, 2) certain health services available and 3) the money to pay for health services provided by an outside source. Reaching these goals means changing the present program and resources available to centers. Day Care groups will join together to work for changes in the City programs. The Agency for Child Development is concerned about the health program, but has other priorities as well.

In order to make the changes necessary to reach your long term goals, you may need information on the organization of health in the City, on the financing of health programs, and on City plans for the future.

A. The Agencies Involved

1. Department of Health

a. Services

The City is divided into many health districts. Each health district has a district health officer, a district health center and several child health stations. Thus there is a network of Department of Health buildings throughout the City. Department of Health personnel staff the centers.

The services of the Department of Health are (almost without exception) preventive only. The district health center usually offers a variety of services for both adults and children; the child health stations offer physical examinations, innoculations, some screening tests and health education.

18 district health centers offer lead paint screening tests. Other health programs are spread out throughout the city. The centers do not offer a uniform group of services except the services listed above for the child health stations. For more complete listing of Health Department Services you may need, see Section II, p. 114.

b. Possibilities for change

The Department of Health has staff and facilities that can be used to meet the health needs of the City's children in a far more efficient way. In every neighborhood in New York City there is a child health station that could be renovated into a comprehensive child health center by:

1. Adding lab equipment and facilities to do lab tests.
2. Changing the services from preventive to complete general treatment.
3. Adding the staff necessary to give complete general treatment.

AT LEAST THE CHILD HEALTH STATIONS COULD BE EQUIPPED AND STAFFED TO GIVE COMPLETE SCREENING TESTS AND EXAMINATIONS. Day care centers and Headstart centers could get their complete screening at the child health stations. Each station could provide eye, hearing, lead paint, sickle cell, and blood screening with little or no addition of staff.

c. Problems to expect

The idea of the change-over of the child health stations is not new. Many people, inside and outside of the Health Department are aware of the confusion and inadequacies of the present services. But the channels in the bureaucracy are difficult to beat and there is little likelihood that the change-over will come in time to answer the needs of the day care centers this year.

The day care health program, in the Department of Health, is more likely to change, in services or in time allotted. But in order for this to happen, day care centers will have to make their needs clear to each level of the hierarchy in the Department of Health.

The Commissioner of the Department of Health is:

Mary McLaughlin M.D., Commissioner
Department of Health
125 Worth Street
New York, N. Y. 10013 (566-7150)

2. Agency For Child Development

a. Decision-making power in health

As Commissioner of the Agency For Child Development, Miss Georgia McMurray has the power to change the health program for day care. She controls the money allotted for the health program via day care funds. She can determine what services the day care centers will have in their program. In order to make any changes in the Department of Health services that are offered free to day care centers, however, she will have to work with the Commissioner of Health, Dr. Mary McLaughlin.

b. Possibilities for change

The Agency is aware of the inequalities between the Headstart Health Program and the Day Care Health Program. The Commissioner is setting up a health team to advise her on health decisions, but this has not been accomplished at this writing. Changes will be made. It is very important for community day care groups to be involved in those changes.

c. Problems to expect

Political pressures on the Agency for Child Development may make it difficult for the Agency to take steps which will increase the cost of day care per child per year. They are reluctant to add a center staff member for health for this reason.

The Commissioner of ACD is:

Georgia McMurray
Agency For Child Development
Room 600
220 Church Street
New York City 10013 (433-4540)

3. Health Services Administration

The Health Services Administration is supposed to coordinate and organize planning of health for the City. A proposal for changing the child health stations to comprehensive treatment centers has come from the Health Services Administration. Health Services Administration commissioned a report of the City health services for children that outlines the decline in use of the child health stations as they are now organized. It also notes that 42% of children in public schools are receiving no dental care at all. HSA has good reason to put its weight behind changes in the day care health program.

The Administrator of HSA is:

Gordon Chase
125 Worth Street
New York, N.Y. 10013
(566-5802)

4. Health and Hospitals Corporation

The Health and Hospitals Corporation was formed to make sense out of the hospitals owned and operated by the City. The City hospitals are generally so over-crowded that they are not likely sources of a health program for day care center children. The Health and Hospitals Corporation, however, should support any plan to provide health care for children that would take some of the burden off the crowded Emergency Rooms and Clinics of the City hospitals. A complete screening program would do just this because problems would be caught before growing to Emergency proportions.

The Head of the Health and Hospitals Corporation is:

Dr. Joseph English
Health and Hospitals Corporation
125 Worth Street
New York, N. Y. 10013
(566-8038)

5. Department of Social Services

The Medicaid division of the DOSS is of interest to day care centers because of the payment of Medicaid fees. A comprehensive health program would make efficient use of Medicaid money rather than using this money for the crisis care that is usually paid for. The Department of Social Services, and The Human Resources Administration should support any change in the day care health program that uses Medicaid money to get comprehensive care.

Another way that the division of Medicaid might be connected with day care health is in the form of payment allowed for Medicaid families. The State Department of Social Services is working out a system whereby payments for health care could be made before the care is given, like an insurance program. This prepayment plan is called CAPITATION. When this is approved and fees are made up it will open the possibility of a day care center contracting for complete care from a group of doctors and dentists, or a community health center, with a specific amount per child per year approved by the Division of Medicaid. The rest of the children could get the same amount of money assigned through day care funds.

The Administrator of the Human Resources Administration is:

Jule Sugarman
250 Church Street
New York, N. Y. 10013
(553-5581)

How The Agencies Relate Or Don't Relate

The program is day care. The subject is health. Reasonably, every agency that works with either should have some relationship to the movement of the program. In fact, however, the agencies all operate independently. It will take a great effort on the part of community groups and on the part of the Agency For Child Development to coordinate health planning with the other agencies. In the end, the Commissioners of ACD and of the Department of Health will make the decisions. If the planning involves Medicaid money, Jule Sugarman will be involved. If the planning involves changes in the Department of Health, pressure from the Health Services Administration and the Health and Hospitals Corporation may be useful.

CHART 1

DECISION-MAKERS IN DAY CARE HEALTH

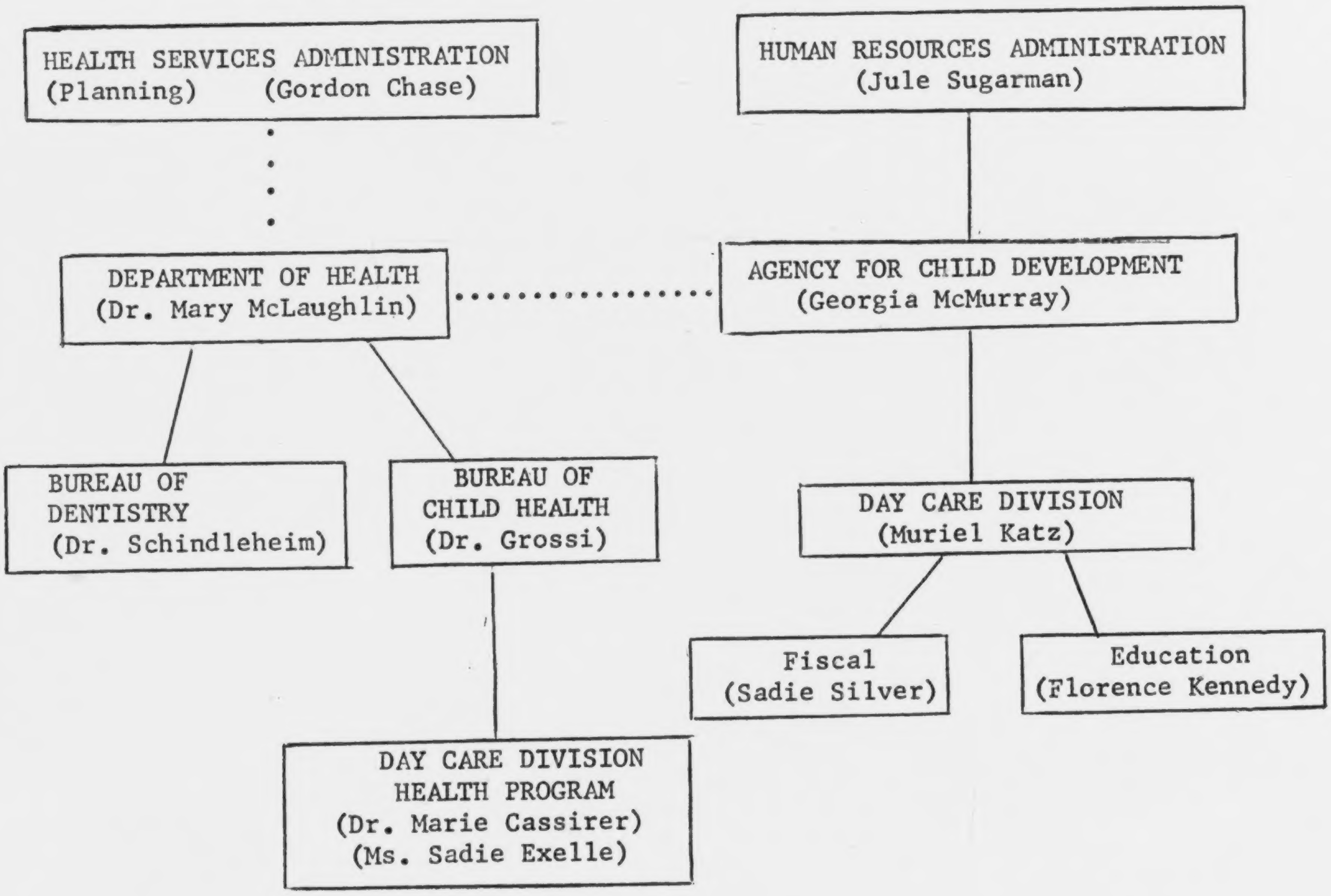

CHART 2

POWERS OF HEALTH DECISION-MAKERS IN THE DEPARTMENT OF HEALTH

BUDGET BUREAU
(Office of the Mayor)
makes the final decisions
on Dept. of Health's budget

.
.

HEALTH SERVICES ADMINISTRATION
(Gordon Chase, Administrator)
makes recommendations to
Dept. of Health

.
.

DEPT. OF HEALTH
(Dr. Mary McLaughlin, Commissioner)
- makes policy decisions on programs and finances
- could change the Day Care Health Program

BUREAU OF DENTISTRY
(Arthur Schindelheim D.D.S.)
- can include day care children in the summer Headstart dental program
- can recommend a dental component to Day Care Health Program

BUREAU OF CHILD HEALTH
(Dr. Margaret T. Grossi)
- can increase the numbers of doctors in day care health
- can recommend changing the Child Health Stations

DAY CARE HEALTH AND LICENSING
(Dr. Marie Cassirer)
(Ms. Sadie Ezelle)
- the doctor and nurse consultants above are your health contacts for the Dept. of Health Day Care Health Program
- Dr. Cassirer can approve a neighborhood doctor you choose
- can recommend changes
- Ms. Sadie Ezelle can recommend changes in nursing

CHART 3

POWERS OF HEALTH DECISION-MAKERS IN THE HUMAN RESOURCES ADMINISTRATION

HRA
(Jule Sugarman)
- can get Medicaid moneys paid to ACD for direct payment to DCCs for health services

ACD
(Georgia McMurray)
- can make policy decisions on anything related to day care, Headstart and Family Day Care
- will have a health planning team to advise her on the changes in health programs

DAY CARE DIVISION
(Muriel Katz)
- supervises nurse payment but would go to Georgia McMurray for authority to increase nursing time by any real amount

YOUR CONSULTANT
- should put you in touch with Dr. Cassirer and Sadie Ezelle
- assigns the amount of nurse time but has no authority to change it

C. How Health Care is Financed

1. Lack of money is the main problem in getting good health care.

The main obstacle to getting a good health program for your center is money. You need health services and the money to pay for those services. The children who are on Medicaid can pay indirectly for the services they get through Medicaid fees, but the fees are so low that many health services are still very hard or impossible to get. The children who are not on Medicaid need free or low cost services. Few doctors or dentists will treat these children free. You need money to:

a. Pay for a staff health worker to organize the program.

b. Pay for health care services for non-Medicaid children.

c. Pay for nursing time given at the center (at least a ½ time nurse).

2. What are some current City expenditures on health care for children?

At first glance, the City seems to be spending very little for the health care of day care children. The doctor and nurse time allotted to day care centers (excluding administrative costs) totals approximately $10.00 per child per year. But when you look at what else the City is spending for health programs that are supposed to be for children the picture is quite different. The City is spending vast sums of money in ways that do not provide a quality health program.

a. The City, State and Federal Government spend approximately $220.00 per Medicaid child per year in direct Medicaid payments. This is money spent primarily for crisis care, delivered after long hours waiting in the Emergency Room of the local hospital.

b. The Department of Health has a large budget. Part of that budget is for the activities of the Bureau of Child Health. The Child Health Stations alone represent great expenditures for services which are of questionable value when a family has to supplement them with other health resources to get any health treatment and most necessary screening tests.

c. City hospitals have overloaded clinics and Emergency Rooms. These are full of families that include the day care population. If the families served by day care centers could receive the opportunity to have a comprehensive health program through the organization of the day care center, these families would no longer use the hospital for problems that do not require the expensive resources of such facilities.

3. What is a reasonable estimate cost of comprehensive health care for each child for a year?

There are few comprehensive care programs now in existence, so it is difficult to estimate the exact cost of care. But the Kaiser-Permanente Health Plan in California estimates $134.00 per person per year. The Federally-sponsored Children and Youth Centers have decreased their costs in two years from $160.00 to $130.00 per child per year. The day care health plan could probably purchase complete care for each child at between $130.00 and $160.00 per child per year.

4. What goals should the City have in financing health programs for its children?

   a. The health care that is offered to the families must be offered in a way that is efficient for both the provider AND the family receiving it.

   b. There should be some assurance of quality control of this health care. Families need help in judging the quality of the care offered. When you have never received decent health care, it is difficult to judge what you are getting.

   c. The money that is spent for health care should be spent in the ways that get the most comprehensive care for the smallest amount of money.

5. How could financing complete health programs for day care center families work toward the goals above?

   a. If the day care center secured and paid for care for the children, the care could be delivered in an efficient, unified way to groups of children, under the guidance of the parents. The rest of the family can be encouraged to get their care from the best provider in the neighborhood.

   b. The day care centers can determine from the experiences and expectations of their health coordinator and other centers in their communities the quality of the care they are getting. The health program can be switched away from a provider that does not deliver quality, respectful services.

c. The day care center could have a health budget that allotted an amount per child per year for health services. This money could be offered to health resources in return for comprehensive care. When health care is paid for this way, there is less chance that the health resource will give the health care in fragmented pieces.

6. How could a comprehensive day care health program be paid for?

A comprehensive health program will have different kinds of costs. There is a cost for the administration of the program: staff, training, organization. There is also a cost for the actual services provided: treatment, health worker's time, etc.

The administration of a complete health program can be paid for with general day care funds.

The health services for the children could be provided partly by the Health Department, by using the child health stations in every neighborhood as comprehensive care centers for children, and partly by other community health resources, if the centers had a budget to secure such services. The Agency for Child Development could give the centers a health budget from general day care funds to secure services they can't get from the Health Department.

Another possibility is that services to the children could be provided totally by community health resources. The centers would have to have health budgets to pay for the services they find in the community. They would also have to have at least one staff member to plan, organize and supplement the community services.

D. Steps To Take To Get Changes in the Present Day Care Health Program or to Propose a Special Health Program for Your Center

1. Who to contact for changes in the present program

The present health program is controlled from two sources: the Department of Health and the Agency for Child Development.

a. The Department of Health presently pays for the doctors' time, supplies doctors and decides what services they do and do not provide. So to ask for anything concerning amount of doctor's time and the type of services the Department of Health doctors are limited to, you need to go through Department of Health channels of appeal. You should contact:

Dr. Marie Cassirer
350 Broadway
New York, N.Y. 10013 (566-6143)

Her boss is:

Dr. Margaret T. Grossi
Bureau of Child Health
125 Worth Street
New York, N. Y. 10013 (566-8146)

Her boss is:

Dr. Mary McLaughlin
Commissioner, Department of Health
125 Worth Street
New York, N. Y. 10013 (566-7150)

b. The Agency for Child Development pays for the nursing time that is allotted in the day care health program, though the nursing consultant in the Department of Health assigns and supervises the nurses. So to ask for an increase in nursing time assigned to the center, you need to get the request to Georgia McMurray. Contact the nursing consultant to the Day Care Health Program:

Miss Sadie Ezelle
350 Broadway
New York, N. Y. (566-6143)

Explain your need for more nursing time. She is aware of the need. Ask her to write a letter to Georgia McMurray testifying to day care centers' need for more nursing time. Then you can take the letter to the Agency for Child Development and submit it with your request to Georgia McMurray. If Miss Ezelle will not write a letter, just explain the need for more nursing time in the request yourself. When the Agency is fully operational, you will have a health staff to work with on these problems, but presently the Commissioner is making all such decisions.

2. Steps to take to propose a special health program for your center or group of centers

Every community's resources are different, so there will be many ways of putting together the health program you need.

a. Follow the steps to get a short-term health program (see Section II, pp.71-88).

b. Look around and find out what you need to have a much better health program. Most centers will find they really need a full-time center health worker or a part-time nurse to start with. A center with contacts with concerned doctors might ask for money to pay the doctor for more complete services than offered by the Department of Health. Another center might be able to get complete screening and examinations from a hospital or health center if it can provide the fee for the non-Medicaid children.

3. Examples of community day care centers struggling to develop comprehensive care programs

There have been so many new centers opening up in the past year that the staff in Department of Health Day Care Health Program has been unable to meet with many newly funded centers. Dr. Cassirer, the doctor-in-charge, is over-burdened with far too many centers to supervise alone. But centers should not have to suffer because the Day Care Division of Department of Health is understaffed and over-burdened. Community centers have been, and will continue to try to get the City to help them get the health programs they need.

Some community centers have been told that there is no program available for them at the present time. Others have tried the Department of Health program but have found that the doctor and nurse visits are so infrequent and limited in scope that the centers cancelled the program and looked for their own. Some centers are joining with others nearby to make the best of what they can find now. Others are writing a proposal to Georgia McMurray for a group health budget for the comprehensive health care of all children of families served by the five centers.

I. DIRECTORY FOR HEALTH PLANNING AND DEVELOPMENT

A. City Agencies and Officials to Contact For Health

DEPARTMENT OF HEALTH

Marie Cassirer, M.D.
Sadie Ezelle, R.N.
Department of Health
Bureau of Day Care, Day Camps
and Institutions
350 Broadway
New York, N. Y. 10013
(566-6143)

Margaret T. Grossi, M.D.
Bureau of Child Health
125 Worth Street
New York, N. Y. 10013
(566-8146)

Mary McLaughlin, M.D.
Commissioner, Department of Health
125 Worth Street
New York, N. Y. 10013
(566-7150)

AGENCY FOR CHILD DEVELOPMENT

Miss Delores Kassanjian
Agency for Child Development
220 Church Street
New York, N. Y. 10013
(433-4852)

Miss Georgia McMurray, Commissioner
Agency for Child Development
220 Church Street
New York, N. Y. 10013
(433-4540)

For lead paint tests:

Eric Robertson
Bureau of Lead Paint Control
Department of Health
(566-1731)
377 Broadway
New York, N. Y. 10013

For a health fair:

Mrs. Gloria Mills
Mr. Ralph Edwards
Community Relations
Department of Health
125 Worth Street
New York, N. Y. 10013
(566-7747)

HEALTH SERVICES ADMINISTRATION

Gordon Chase, Administrator
125 Worth Street
New York, N. Y. 10013
(566-5802)

HEADSTART

Headstart Health Program
Miss Sari Salkow
349 Broadway
New York, N. Y. 10013
(433-3745-46)

HEALTH AND HOSPITALS CORPORATION

Joseph English, M.D.
Commissioner
Health and Hospitals Corporation
125 Worth Street
New York, N. Y. 10013
(566-8038)

B. General Help in Planning and Contacting Health Resources In Your Area:

1. Bank St. Day Care Consultation Service
   610 West 112th Street
   New York, N. Y. 10025
   (663-7200)

2. Write for the Rainbow Series of Headstart Booklets

   Project Headstart
   349 Broadway Rm. 305
   New York, New York 10013
   Att: Mrs. Winnie Williams

   Ask for:

   a. Health Services, A Guide for Directors and Health Personnel (2)

   b. Dental Services (2A)

   c. Nutrition Series (3,3A, 3B, 3C, 3D)

C. For Help From Day Care Centers Who Are Working Out Their Own Health Programs

1. MFY Group Child Care Day Care Center
   108 Avenue D
   New York, N.Y.

   Contact: Anne Graziano - Director
   (533-2450)

2. Children's Mansion Day Care Center
   351 Riverside Drive (Upper West Side)
   New York, N.Y. 10025

   Contact: Penny Black - Family Worker
   (666-8484)

3. Discovery Rooms for Children
   1000 St. Nicholas Avenue
   New York, N. Y. 10032

   Contact: Sid Chisholm - Family Worker
   (568-2170)

4. East Harlem Block Schools
   94 East 111th Street (East Harlem)
   New York, N. Y.

   Contact:
   (722-6350)

5. El Nuevo Mundo Day Care Center
583 Vermont Street (East New York)
Brooklyn, New York

Contact: Jose Diaz - Director
(342-4584)

6. Little People's Nursery
9412-14 Church Avenue
Brooklyn, New York 11238

Contact: Nadine Miller
(485-9078)

7. Five Star Day Care Center
3261 Third Avenue (South Bronx)
Bronx, New York 10456

Contact: Mrs. Elizabeth Haynes - Administrative Director
(292-4774)

8. Morrisania Children and Youth Day Care Center
323 East 165th Street
Bronx, N. Y.

Contact: Miss Frieda Lloyd - Director
(681-1341)

D. Directories To Help You Find Specific Health Resources:

1. Pratt Guides To Community Resources

To use these guides contact:

Bank St. Day Care Consultation Service
610 West 112th Street
New York, N.Y. 10025

Health Contact: Lisel Moyer (663-7200)

OR

Pratt Center for Community Improvement
244 Vanderbuilt Avenue
Brooklyn, N. Y.

Contact: Bonnie Anderson (622-5026/27)

2. Directory of Social and Health Agencies of New York City, published by the Community Council of Greater New York every two years. To order the book, call The Community Council

E. Direct Health Resources That You May Want To Use:

1. For Lead Paint Screening Tests

Bureau of Lead Paint Control
Department of Health

Contact: Mr. Eric Robertson
(566-1731)

2. For hearing tests:

The League For the Hard of Hearing
17 West 23rd Street
New York, N. Y.
(924-3230)

3. To order the Denver Developmental Test:

Write Public Relations
Mead Johnson Drug Co.
Evansville, Indiana

4. For dental work:

a. The Children's Aid Society Dental Clinics
(in Manhattan but open to every borough's children)
Children's Aid Society
150 East 45th Street
New York, N. Y. 10017

Contact: Dr. Bernard Drobner
(MU.2-9040)

Clinics are open 5 days each week 9 A.M. to 5 P.M., Mondays through Fridays and include the following locations:

1.	Lord Memorial	150 East 45th Street 682-9040	NYC	Specialty and general dental clinic.
2.	Dunlevy Milbank	14 West 118th Street EN.9-1223	NYC	General dental clinic
3.	Frederick Douglass	885 Columbus Avenue UN.5-6337	NYC	General
4.	East Harlem	130 East 101st Street	NYC	General
5.	Rhinelander	350 East 88th Street	NYC	General
6.	Lower West Side	219 Sullivan Street	NYC	General
7.	Sloane	630 East 6th Street 228-0220	NYC	General

b. Other dental clinics available to your centers are:

Murry & Leonie Guggenheim Dental Clinic
422 East 72nd Street TR.9-3200

Northeastern Dispensary
Dr. John M. Walker, Director
302 East 59th Street EL.5-4498

Northern Dispensary
165 Waverly Place CH.2-5511/12
Dr. I. Ferber, Director (D.A.C. member)

Gramercy Boys' Club
Mr. Herbert Weingold, Exec. Director
1637 Washington Avenue
Bronx, N. Y.

Children's Eye & Dental Clinics of the
Sidney Friedman Association
232-236 East Broadway GR.3-1920

Department of Health:

28 District Health Centers &/or 154 Schools

D.O.S.S. Complete Services via Medicaid (Medical & Dental)

Dental:

Bronx Dental Clinic
248 East 161st Street
960-3172

Brooklyn
330 Jay Street
UL.2-3612

Manhattan
309 East 108th Street
SA.2-9168

Queens
32-30 Northern Blvd., L.I.C.
830-8521

All - Monday thru Friday 9:00 A.M. to 5:00 P.M.
Serve Children and Adults

HEALTH

September 1971

5. DISTRICT HEALTH CENTERS
CITY OF NEW YORK - DEPARTMENT OF HEALTH

Dr. J. Warren Toff, Assistant Commissioner for Community Health Services, 125 Worth Street, New York, N.Y. 10013
Tel. No. 566-8146

DISTRICT HEALTH CENTER	ADDRESS	ZIP CODE	HEALTH OFFICER	TELEPHONE
Manhattan - Dr. Ann P. Kent - Borough Director (at Riverside District Health Center)				
Central Harlem	2238 Fifth Avenue	10037	Dr. Lloyd F. Novick	690-2600
East Harlem	158 East 115 Street	10029	Dr. Anthony C. Mustalish	TR6-0300
Lower East Side	341 East 25 Street	10010	Dr. Ann P. Kent Dr. Chen-Ya Huang, H.O.-in-training	MU9-6353
Lower West Side	303 Ninth Avenue	10001	Dr. Richard Kirshenbaum	LA4-2537
Riverside	160 West 100 Street	10025	Dr. Ann P. Kent	UN6-2500
Washington Heights	600 West 168 Street	10032	Dr. Ann P. Kent Dr. Patricia Nolan, H.O.-in-training	WA7-6300
Bronx - Dr. Irving Greenwald - Borough Director (at Tremont District Health Center)				
Morrisania	1309 Fulton Avenue	10456	Dr. Gary Eidsvold	WY2-4200
Mott Haven	349 East 140 Street	10454	Dr. Gary Eidsvold	MO9-6010
Tremont-Fordham Riverdale	1826 Arthur Avenue	10457	Dr. Irving Greenwald	LU3-5500
Westchester	2527 Glebe Avenue	10461	Dr. Irving Greenwald	SY2-0100
Brooklyn - Dr. Dorothy Trice - Borough Director (at Fort Greene District Health Center)				133-7565 or 643-7565*
Bedford	485 Throop Avenue	11221	Dr. Pearl I. Romeo	574-5300
Brownsville	259 Bristol Street	11212	Dr. Dorothy Trice	HY8-6742
Bushwick	335 Central Avenue	11221	Dr. Virginia H. Baker	HI3-5000
Flatbush-Gravesend (Homecrest)	1601 Avenue S	11229	Dr. Virginia H. Baker	NI5-8280
Fort Greene	295 Flatbush Avenue Extension	11201	Dr. Samuel Frank	or 643-3768
Red Hook	250 Baltic Street	11201	Dr. Jacob Glaubach	or 643-5725
Sunset Park	514 - 49 Street	11220	Dr. Nina Kourre	GE6-2800
Williamsburg	151 Maujer Street	11206	Dr. Dorothy Trice	EV8-3714
Queens - Dr. Nicetas Kuo - Borough Director (at Jamaica District Health Center)				
Astoria-Maspeth	12-26 31 Avenue, L.I.C.	11106	Dr. Gabriele Lobel (Bondi)	AS8-5520
Corona-Flushing	34-33 Junction Blvd.,Jackson Hts.	11372	Dr. Gabriele Lobel (Bondi)	HI6-3570
Jamaica	90-37 Parsons Blvd.,Jamaica	11432	Dr. Nicetas Kuo	OL8-6600
Richmond	51 Stuyvesant Place, St.George,S.I.	10301	Dr. Nina Kourre	SA7-6000

6. Child Health Stations

Child Health Stations - Manhattan

msterdam Ave., 690
venue D, 24.
olumbus Ave., 632
elancey St., 280
. 3d St., 136
. 105th St., 412.
. 115th St., 158
. 122nd St. & Madison Ave.
ighth Ave., 2690.
ighth Ave., 2927.
irst Ave., 2365.
enox Ave., 50.
Madison Ave., 1589
Madison St., 60
Nagle Ave., 175
Ninth Ave., 303
Old Broadway, 21.
Spring St., 34
Third Ave., 1777.
W. 100th St., 160.
W. 118th St., 264.
W. 127thSt., 281.
W. 151st St., 231.
W. 168th St., 600.

Child Health Stations - Bronx

Arthur Ave., 1826.
Belmont Ave., 2428.
Castle Hill Ave., 615
E. 140th St., 349.
E. 149th St., 570
E. 152d St., 755.
E. 156th St., 348.
E. 168th St., 401.
E. 174th St., 1625.
Fulton Ave., 1192.
Fulton Ave., 1309.
Glebe Ave., 2527.
Seward Ave., 1674.
Soundview Ave., 816.
Swinton Ave., 475.
Tinton Ave., 1005.
White Plns.Rd., 3450.
Willis Ave., 185.

Child Health Stations - Brooklyn

ve. S, 1601.
altic St., 250.
ristol St., 259.
arlton Ave., 132.
entral Ave., 335.
ranklin St., 111.
rost St., 288.
ancock St., 237.
ingsboro First Walk, 129.
inwood St., 508.
ivonia Ave., 381.
aujer St., 151.
ostrand Ave., 130.
ostrand Ave., 3525.
. 1st St., 142.
owell St., 230.
rospect Pl., 1218.
DeKalb Ave., 434.
E. N.Y. Ave., 1620.
E. 95th St., 1106.
Flatbush Ave. Ext., 295.
Forty-ninth St., 514.
Pulaski St., 388.
Ralph Ave., 258
Roebling St., 333.
Second Pl., 62.
Seventh Ave., 440.
Sixteenth Ave., 8658.
Sumner Ave., 47.
Suydam St., 233.
Throop Ave., 485.
W. 12th St., 2817.
Wyckoff St., 266.

Child Health Stations - Queens

Astoria - 12-26 31st Ave.
Astoria - 50-49 Newtown Rd.
Corona - 104th St. & Corona Ave.
Corona - 34-33 Junction Blvd.
Far Rockaway - 15-26 Hassock St.
Jamaica - 105th Ave. & Waltham St.
Maspeth - 769 Onderdonk Ave.

Child Health Stations - Richmond

Bus Mobile Unit for the Borough
Mariners Harbor - 166 Lockman Ave.
New Dorp - 31 First St.
St. George - 51 Stuyvesant Pl.
South Beach - 154 Lamport Blvd.
Stapleton - 111 Canal St.
Tottenville - Summit Ave.(P.S. 1).
West New Brighton - 355 Bard Ave.,
(St. Vincent's Hospital).

7. Children and Youth Comprehensive Care Centers

a. NYU Medical College
550 First Avenue
New York, N. Y. 10016
Dr. Saul Krugman
(679-3200)

b. PRYME (Brooklyn)
Department of Health
125 Worth Street
New York, N. Y. 10013
Dr. O'Hara
(NE.4-7700)

c. Albert Einstein College of Medicine
1175 Morris Park Avenue
Bronx, N.Y. 10461
Dr. Katherine Lobach
(597-8500)

d. Morrisania - Montefiore
Comprehensive Child Care Project
56 East 167th Street
Bronx, N.Y.
Dr. Mutya Saint Augustine
(992-9265)

e. Jewish Hospital of Brooklyn
Medical Center
555 Prospect Place
Brooklyn, N. Y. 11238
Dr. Frederick Tunick
(857-1100, Ext. #1)

f. Beth Israel Hospital
10 Nathan D. Perlman Place
New York, N. Y. 10003
Dr. Evelyn Schmidt
(673-3000, Ext. #2971)

g. Roosevelt Hospital
430 West 59th Street
New York, N. Y. 10019
Dr. Edmond Joiner
(554-7475)

h. Brookdale Hospital Center
9620 Church Avenue
Brooklyn, N. Y. 11212
Dr. Richard Galinko
(495-1010)

i. Charles Drew Neighborhood
Health Center
15-31 Saint Marks Avenue
Brooklyn, N. Y. 11233
Dr. Gaston Jumelle
(498-1002)

j. Neighborhood Health Services
160 West 100th Street
New York, N. Y. 10025
(866-7710)

8. Family Comprehensive Care Centers

k. Gouverneur Health Services Program
9 Gouverneur Slip
New York, N. Y. 10002
Dr. Reinaldo A. Ferrer
(227-3000)

l. Martin Luther King Health Center
3674 Third Avenue
Bronx, New York 10456
Delores Stewart
992-9100

m. Sunset Park Family Health Center
514 49th Street
Brooklyn, New York 11220
Mr. Harvey Holzberg
(492-3200, Ext. 828)

n. Red Hood Neighborhood
Health Center
Planning Office
70 Atlantic Avenue
Brooklyn, New York 11201
(780-2791)

o. Neighborhood Health Center of
the Provident Clinical Society, Inc.
Planning Office
476 Nostrand Avenue
Brooklyn, New York 11216
(638-8575)

p. The Charles R. Drew Neighborhood
Health Program
1260 St. Marks Avenue
Brooklyn, New York 11213
(467-6714)

F. To Work With A City-Wide Group of Community Day Care Centers To Reach Long-Range Goals and Reorganize Day Care Health Opportunities

Contact:

Committee For Community Controlled Day Care
251 West 80th Street
New York, N. Y.

Contact: Coordinators - Shirley Johnson
Bob Gangi
(864-8572 or 787-4315)

PART EIGHT

DISCUSSION PAPER ON DROP-IN DAY CARE

Faith Colangelo
Lower East Side Economic
Development Association
For Cooperatives, Inc.

Stacie Jacob
Bank Street Day Care
Consultation Service

DROP-IN

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Appendix

DISCUSSION PAPER ON DROP-IN DAY CARE

I. Introduction:

Many of the growing number of community groups sponsoring day care centers have expressed the need for providing day care to their communities, on a "drop-in" basis. This presentation discusses some of the questions raised when "drop-in" care is being planned as part of a comprehensive day care facility. This paper does not discuss in depth the feasibility of setting up drop-in centers which are not part of a comprehensive day care program. (The word "comprehensive" is used to mean a day care center which provides the whole range of day care services, including but not limited to regular day care, infant care, after-school care.) There are other ways of making drop-in available to communities - for example, in storefronts and available space in settlement houses and community organizations, and these situations must be considered when formulating and implementing drop-in care guidelines.

Stacie Jacob and Faith Colangelo, the authors of this draft, have talked with the following individuals in order to begin wider discussion in the area of drop-in programs:

Irma Pellot	Action for Progress, UCDCC drop-in Center
Delia Pacheco Sonia Martinez	Movimiento Puertorriquenos Unidos-UCDCC drop-in center
Hilda Viera	United Organization of Suffolk Street UCDCC drop-in center
Lydia Anglada	Neighborhood Council to Combat Poverty, UCDCC drop-in center
Ann Graziano	MFY Group Child Care UCDCC member
Sarah Michaels	Mothers in Action-UCDCC member
Genevieve Gaines Rita Cooper	Department of Health

This presentation does not represent any one view point. Although it advocates some type of drop-in care component when providing comprehensive day care services to communities, its purpose is merely to stimulate further discussion on the alternative ways of organizing drop-in services.

II. Definition of drop-in and its relation to developing guidelines.

Unlike regular day care, which provides child care services daily over a continuing period of time to a group of regularly attending children, drop-in care provides a service which meets the need of many parents for a safe place to leave a child for limited periods of time on an occasional basis. Thus drop-in care may be defined as being day care services given on an occasional basis.

Any guidelines developed should reflect flexibility, which is part of the very nature of drop-in care. For instance, any guidelines drawn-up for drop-in care need to reflect the fact that there is no average length of time that drop-in services are used, and that the reasons for its use are varied. It is often used in cases of family crisis and emergency. Thus, guidelines should reflect the fact that drop-in services must deal with family crisis situations.

III. Philosophy:

The philosophy behind providing drop-in services, as expressed by those interviewed for this paper, includes the following:

1. The emotional and physical as well as spiritual well-being of all children is of the utmost importance.

2. The alternative of providing limited or no drop-in care services, so that mothers must settle for make-shift baby sitting arrangements or leave children unattended in times of emergency, is dangerous to the health and safety of children.

3. Mothers, especially in low-income areas, should be able to have free access to all types of day care services, both drop-in and regular. The mothers' needs should define the type of day care services offered.

4. As the city or state governments set standards for temporary or permanent drop-in facilities, they should also provide the funds to meet those standards.

IV. A statement regarding the need for establishing drop-in services.

A. The following points present some of the reasons for establishing drop-in services as an integral part of a day care service delivery system:

1. The need for day care service, in general, has been demonstrated by the long waiting list each operating center maintains. By including drop-in services in a day care center, the resources of both the center and its staff can be tapped by many more families than in a regular day care situation.

2. Mothers who are not accustomed to having their children away from home every day, all day, can still have day care services available to them.

3. Many children are not accustomed to being away from their mothers every day, all day. Drop-in services allow children to become accustomed to day care on an all day, every day basis.

4. Because of the child turnover, many more families can be counselled and advised on health programs for their children. The general outreach to the community and family linkage to social institutions is thus maximized.

B. Reasons why mothers are currently using drop-in services include the following:

1. In an emergency or family crisis - a death or illness in the family, injury of a sister or brother, eviction from apartment, apartment destroyed by fire.

2. To attend clinic appointments for herself or to accompany one of her children to the clinic. A mother may drop-in all of her children or those not scheduled for clinic appointment.

3. To attend welfare department appointments, to discuss welfare problems and arrangements.

4. To appear in court as a witness in consumer fraud cases, apartment robberies, muggings, or in litigation in landlord-tenant disputes. Family court sessions dealing with a son or daughter who is an addict or otherwise arrested, divorce or separation hearings are also frequent reasons for court visits.

5. To attend meetings with the teacher of an older child enrolled in public school, or to attend parent-teacher meetings.

6. To attend training programs two or three days a week.

7. To hold a part-time job.

8. To attend appointments when seeking employment.

9. Many mothers use drop-in services because they are overburdened. With two or three children

always by their side, in winter cooped up in a small apartment, some mothers do not have an opportunity to be alone, go get their hair done, window shop, visit with a friend. They use drop-in care services to provide an hour or two of peace and quiet.

V. Guideline topics, alternative methods of organizing drop-in services, and recommendations based on the UCDCC experience.

A. Space and Safety - There is general agreement that in a permanent drop-in facility there should be adequate play space with good ventilation, adequate lighting and heat. The premises should be safe and clean, and subject to applicable code requirements: (Health Code, and sanitary, fire and building inspections.) The Health Code relating to regular day care should be reviewed to see which of the requirements are appropriate for drop-in care.

B. Registration:

1) Advance Registration: General Records
2) Advance Registration: Medical Records
3) Daily Registration

1. Advance Registration: General Records. Parents should pre-register the child for drop-in care. This enables the staff to get the necessary information about the family and child in order to deal with any emergencies (see appendix) and to have some indication of how many children will be using the drop-in service. Staff can talk with the parent about how often the child is likely to use the center, and at what times. The mother should be encouraged to call in advance to let the center know when the child needs drop-in care. The center coordinator will then know how many children to expect on any given day, and there will be less of a chance that some children will have to be turned away because of overcrowding.

Advance registration would also provide staff with an opportunity to get to know the needs and problems of the child, mother, and family. Staff should not, of course, pry into the life of the family. However, they should be sympathetic and always willing to listen to and help the parent. The experience of the United Child Day Care Center-member groups is that the parents do confide in the directors and that occasionally the director will refer the parent or child to other agencies who can give more specialized help.

In the case of large day care centers, in which the director is too busy with administrative tasks to meet and talk with the mother at length, it might be helpful to have a community-based coordinator working in the center, who is available to the mother to discuss any problems she might be having and to let her know if the child is having any difficulties.

2. Advanced Registration: Medical Records. At the time of advance registration, a responsible staff person should determine whether the child has had a medical examination, to make sure the child has had all his shots, has no contagious diseases, etc. This is a good opportunity to explain to the mothers why this medical care is needed and to refer her to a hospital or clinic which will care for the health needs of her child and family.

It is probably wise to insist that a child fulfill the health requirements before being admitted for drop-in care, in order to minimize the chances of infection of other children. However, there is no doubt that emergencies will arise in which a child who has never been to the center and has not had a health examination nevertheless needs to be given drop-in service. In these cases, the responsible staff person must use her own discretion.

3. Daily Registration. Staff should make note of the times the child arrives and leaves, and should also find out where the mother will be, in case an emergency arises.

C. Hours the Center is Open: The hours that the center is open should be based on the needs of the community. For example, one group on the Lower East Side opens at 7:30 a.m., because many of the mothers have to be at work or class at 8:00. If possible, the center should arrange to have 24-hour care, in case an emergency arises at night. (For example, illness of another child in the family, emergency hospital care, fires, etc.) Some of those interviewed were highly in favcr of a 24-hour emergency program - stating that the need was great. Others thought that there would be many administrative problems to providing such a service.

If the mother was going to welfare, the clinic or hospital or some other agency, the UCDCC directors found it helpful to contact these agencies (by phone or by note) informing the agencies that the mother had left her child temporarily in a drop-in center and asking them to take care of the mother as soon as possible. This is an attempt to have the mother return to the drop-in center before closing time. (Note: Sometimes welfare recipients are kept at a welfare center for seven hours.)

D. Ratio of Staff to Children - The ratio of staff to children should be at least one staff for every five children. The advantage to having a better staff/child ratio than one staff/five children, is that the drop-in child may need more individualized attention, because he may be unfamiliar with the day care center and frightened by his new situation.

E. Ages of Drop-in Children - What age groups might drop-in care be provided for?

A day care center could provide drop-in care for ages 3 months to fourteen years (infant care through after-school care.) There is general agreement that drop-in care can efficiently be made available for children ages 2-6 years (the regular day-care age range). After-school drop-in care would probably be important and helpful to mothers of school-age children who have appointments to keep in the afternoon. This would be particularly true of mothers with younger school-age children (e.g. ages 6-9 years), although after-school care could be provided through age 14 years.

Several difficulties arise when considering drop-in care for infants (ages 3 months to 2 years), although there is a definite need for care of this sort. Some considerations:

1. Infants must be separated from older children and the health code requirements differ from those for older children. This means that the day care facility must include special space for infants, raising costs of renovation and/or construction.

2. Drop-in infants should also be kept separate from infants in regular (daily) care in order to minimize the chance of infection or contagious disease. This means that additional facilities will have to be made available for drop-in infants.

One possibility is that rather than trying to set up drop-in infant care in the center, the center could have a program to train women in the neighborhood to care for infants in the home of the infant. These women could then be called on when there is an emergency need for infant care. They would be paid the DOSS rate for day care substitutes.

F. Relationship of Drop-in Care to the Rest of the Day Care Center -

Should drop-in children be kept separately from children in the regular day care center program, or should drop-ins be integrated into the regular day care program? (This issue is one that will have to be decided by each individual day care center, taking into account staff strengths and weaknesses, age groups, space available, and feelings of the parents.)

1. Drop-in children might, under certain circumstances, interrupt the activities (educational or play) of the regular children when brought into the class on an occasional, drop-in basis. Therefore, perhaps they should be kept separate. On the other hand, the individual drop-in child would probably feel more comfortable if he were put into a group of regulars, because he would recognize the children, having been with them the other times he used the center.

2. If drop-ins were kept separately (for example, in a room adequate for 15 children) the ages would necessarily be mixed, i.e. range from 2 to 6 years. This means the child might not be with anyone of his age group. Also, it might be more difficult for the teachers to organize play or educational activities for the drop-in children, because they would be dealing with children of different ages - and therefore, different interests and capabilities. The advantage of integrating the drop-in child into a group of children regularly attending the day care center is that he would be with children of his own age group, and more able to fit comfortably into their activities.

The question then becomes: Is it better to include the drop-in child in a group of regularly attending children (which would probably be better for him) at the risk of in some way harming the program of the "regular" children by putting a non-regular into the class with the possibility of its causing an interruption? It has been the experience of MFY Group Child Care and Mothers in Action, both providing drop-in and regular day care, that children who are in the center on a drop-in basis can be most effectively integrated into the day care program by joining the groups of children who are in the center on a regular basis. The group teachers insist that there is no disruption to their classroom activities or educational program.

The question of a higher staff to child ratio relates here, in that with more staff, the drop-in child can initially receive more attention when he first enters the class.

Another consideration: Best use of professional and nonprofessional staff; the need for more nonprofessional teachers to work with drop-ins and integrate them into the day care center activities.

Another alternative: Having drop-in rooms for each age group. The problem here is the cost of including these separate rooms in a day care facility - possible waste of space and staff if you had, for example, 4 small rooms of 5 children each.

G. Other topics to be considered:

1. Staff requirements
    - Age
    - Educational qualifications
    - Experience

2. Equipment

3. Food services

4. Fees
    - Free, no charge
    - sliding scale

5. Plan for emergency health care and consultant help of a physician.

Summary of Topics Covered in Various Drop-in Center Registration Forms

Health Records:

Medical history of the child
Immunization record
Test record
Food or other allergies noted
Clinic or pediatrician records are kept up to date.
(Parents are reminded when health check-ups are due. If no health plan has been set-up by the parent, the center directors have encouraged parent to do so.)

Parents' Consent:

1. to go to park or on walks, or an outing.
2. to receive first aid or emergency medical treatment.

Child Attendance Sheet:

1. Name of Child
2. Age
3. Times in and out
4. Reason for service
5. Where mother can be reached in case of an emergency - also where child can go in case something happens to his mother.

Form Letter - "To Whom It May Concern:"

Either a form letter or a telephone call to expedite any appointment the mother may have at a clinic, the welfare office, etc.

Pre-registration:

Parents are encouraged to make arrangements to use the drop-in service ahead of the time drop-in care is needed. This applies in some centers to each time drop-in care is used. In others, only prior to the first time a mother uses the service.

PART NINE

INCORPORATION OF DAY CARE CENTERS

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Community Law Offices

PART NINE

INCORPORATION OF DAY CARE CENTERS

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I. DEFINITIONS AND CHARACTERISTICS OF A CORPORATION

The corporation is the principal form of organization for doing business in the United States. Even though a large number of businesses are sole proprietorships or partnerships, those doing the greatest volume of business and owning the most capital are organized in the corporate form. To an increasing extent, groups formed for non-business purposes such as charities, community groups, educational and social groups are also organizing in the corporate form. Incorporated charitable organizations are similar to business corporations. Charitable corporations, however, do not normally have stockholders but, instead, have members who perform the stockholders' functions or a board of directors or trustees that performs both the stockholders' and directors' functions.

Day care centers must be incorporated in order to receive state and city funding, and should be incorporated for the reasons set forth below.

Corporations are generally formed under the provisions of a particular state law. Most states have a number of different corporation laws covering groups with different purposes. Each statute contains its own requirements and procedures which must be followed in order for a group to become incorporated. In each instance, however, the formation of the corporation creates a new entity with special characteristics and powers. It also creates new relationships for the persons who act as the members or shareholders of the corporation. Day care centers in New York State are to be incorporated under the provisions of the Not-for-Profit Corporation Law (NPCL), which went into effect on September 1, 1970, and replaces the Membership Corporations Law as the general statute applicable to non-business corporations formed in New York. Before setting forth the method of incorporation under the NPCL, we will briefly discuss the nature of the new entity created by incorporation and answer the questions "What is a Corporation?" and "Why are Corporations Formed?"

A. What Is a Corporation?

A corporation is an artificial being created by law. The essential attribute of a corporation is its capacity to exist and to act, within the powers granted by law, as a legal entity apart from the individuals who compose its membership. Thus, a corporation can act, and the corporation - not the persons who formed it, who invested money in it, or who are members of it - bears the responsibility for and enjoys benefits of the actions taken.

B. Why Are Corporations Formed?

The concept that the corporation is an entity separate from its members or shareholders has a number of important legal consequences which make the corporation a desirable form of group organization. The following are the principal attributes of the corporate form of organization:

1. Limited liability

The most important feature of incorporation is that it gives members limited liability. Limited liability means that the individuals who control the corporation are not liable (except in very unusual situations) for corporate obligations; only the corporation itself is liable. Since corporations have extensive powers to incur debts, make purchases, make contracts, and own property, it is not unusual for a corporation to find itself in the position of a debtor. Even a non-business corporation, such as a day care center, incurs many expenses in its activities, such as the mortgage on the building, equipment purchases and salary expenses. Therefore, limited liability for individual members reduces a large element of risk involved in a group venture.

2. Perpetual Existence

Normally, a corporation will continue to exist perpetually; its legal existence is not dependent on the continued participation of individual members or directors.

3. Uniform set of rules

The state corporation statutes provide a uniform set of legal rules for the operation of corporations as well as a flexible framework within which a corporation may choose alternative operating arrangements. As a result, the individuals involved in a corporation (its members, directors and officers), as well as people dealing with the corporation from the outside (e.g., banks, suppliers, employees, contractors) know better how to deal with the corporation. For example, it is relatively easy to prove that the officers of a corporation are, in fact, authorized to enter into a particular contract on behalf of the corporation. It is far more difficult to prove that individuals acting on behalf of an unincorporated organization are authorized to enter into a contract for the organization. As a consequence, most businesses prefer to deal with corporations rather than with unincorporated organizations. Banks, in particular, are reluctant to deal with unincorporated organizations.

4. Tax-exemption

An important reason for the incorporation of day care centers is that it facilitates the centers' getting tax-exempt status under Federal income tax law. See Part Eleven of the Manual on "Getting Tax-exempt Status for a Day Care Center."

This description of the nature of the corporation is, of course, abbreviated and, in a sense, one-sided. There are many additional issues of corporate form and liability which are important. For example, it should be pointed out that, just as individual members are not normally liable for corporate obligations, a corporation is generally not liable for obligations incurred by persons acting as individuals and not as authorized corporate agents. Problems in this area have arisen in instances where the person dealing with a corporate officer or member was under the false impression that he was dealing with a person duly authorized to act for the corporation. In such an instance there may be personal liability even where both parties intend that the corporation be liable.

C. Exception to Limited Liability Rule

Although the general principle, as outlined above, is that the corporate form creates limited liability for its members, there are special circumstances in which courts have disregarded the corporate entity and have found individuals involved in the corporation liable for the corporation's obligations. This involves what the lawyers call "piercing the corporate veil." In order to avoid this, individual members, directors and officers of a corporation must, when dealing with people outside the corporation, make clear that they are doing so on behalf of the corporation and not on behalf of themselves as individuals. Second, the corporation's funds must be kept separate from the funds of the individuals. Third, the corporation must take care to hold regular meetings at which corporate action is determined and keep accurate records of those meetings. Finally, the organizers of a corporation should in good faith attempt to secure sufficient funds so that the corporation is able to meet its obligations.

D. When Should You Incorporate?

In New York State, the incorporation of a charitable corporation which intends to care for children can be a tedious and frustrating process, especially for a community group composed of low-income persons. Many community groups have found that they cannot become incorporated until they have financial resources and a suitable physical facility, but they cannot receive funds or develop a facility until they are incorporated. The following section sets forth in detail the legal devices which have enabled community groups to avoid this cycle. Since incorporation papers are frequently rejected or require approvals denied because of technicalities, we strongly advise the lawyer to follow precisely the steps set forth below. The lawyer should also phone each office which has received a group's papers to make sure all requirements have been met and to urge a speedy response.

When and how the group incorporates depends on whether it plans to receive New York State Youth Facilities funds and when it will be ready to care for children

There are four types of incorporation that a day care center group should consider, all of which require incorporation under the Not-for-Profit Corporation Law and all of which may be necessary for use by one particular group of persons. The basic difference among the kinds of corporations is in their purposes and in the approvals required for incorporation, as discussed below. The sample Certificate of Incorporation attached as Exhibit A sets forth the appropriate corporate purposes for each kind. These four kinds are as follows:

1. Incorporation as a planning corporation

The planning corporation is used to incorporate quickly while the group is still in the planning stages, in order to receive tax-exempt contributions (other than from the Youth Facilities Development Fund) and to do business in a more orderly manner. For example, a group in the process of looking for a site on which to build a center may be able to get private contributions or may wish to apply for an Applied Resources, Inc., loan and should incorporate as a planning corporation in order to do so. Speedy incorporation may also be necessary so a group can enter into contracts for equipment, services or insurance. A planning corporation must state in its certificate of incorporation that it does not intend to engage in any activities for which special approval of any state agency is required.

2. Incorporation as a Youth Facilities Development Fund Company

The Department of Social Services requires a group which will receive planning money from the Youth Facilities Development Fund to incorporate as a Youth Facilities Development Fund Company. A group negotiating with the Department of Social Services will be told by them when they should incorporate as a Youth Facilities Development Fund Company and the Department will provide the group with a sample certificate of incorporation to complete and execute, containing their required provisions. The Youth Facilities Bureau has developed these standard corporation papers to expedite the approval process for groups seeking development fund loans or Youth Facilities mortgages from them.

3. Incorporation as a Youth Facilities Improvement Act Day Care Center Company

A group which is to receive a loan under the Youth Facilities Improvement Act will have to incorporate as a day care center company, and the Department of Social Services, Bureau of Youth Facilities Construction will inform the group when to incorporate as such a day care center company and will give the group a sample certificate of incorporation to complete and execute containing their required provisions.

4. Incorporation as a day care center operating corporation

A group which is ready to care for children and operate a center, but which is not receiving a Youth Facilities Improvement Act Mortgage, should incorporate as a day care center operating corporation. It must first obtain the approval of the State Board of Social Welfare, which asks for evidence of adequate physical facilities, financial resources and community concern of board members. Examples of such groups, which operate day care centers without Youth Facilities financing, are those which will operate centers in city direct-lease facilities, free-space facilities or facilities funded by private contributions. Such a group should begin to process incorporation papers immediately after it obtains a "Letter of Intent" from the New York City Agency for Child Development stating that that agency intends to fund the particular day care center group at a particular site.

It should be pointed out that the same persons may be members and/or directors of more than one kind of corporation at the same time. For example, a group of persons may incorporate as a planning corporation in order to incorporate quickly to receive private foundation contributions. The same group may then form a Development Fund Company to receive a Youth Facilities Development Fund loan. The planning group may not wish to dissolve the planning corporation because it is advantageous to keep all other assets separate from the Development Fund loan; should the building plans fail to materialize, the Development Fund Company could dissolve and such dissolution would not hinder the group from continuation of planning activities and use of private contributions. Similarly, a group that was incorporated as a planning corporation, and has reached the stage of actually operating a day care center and has become incorporated as either a Youth Facilities Improvement Act day care center company or a day care center operating corporation, may still wish to continue the planning corporation's existence in order to plan other community activities or to plan for another day care center.

There should be no difficulty caused by the same persons acting as members and/or directors of more than one kind of corporation at the same time. This is a common occurrence in the business world and presents no problem so long as each corporation maintains separate books and records, bank accounts, and keeps separate minutes of meetings.

II. METHOD OF INCORPORATION UNDER THE NOT-FOR-PROFIT CORPORATION LAW

Though there are four kinds of incorporation that a day care center group may consider, all require incorporation under the NPCL. Basically, the same procedures will have to be followed for all four kinds of incorporations. The only difference in the incorporation process is the procedure for obtaining approval of the State Board of Social Welfare or "no approval" of the State Department of Social Services. This section will deal with how a group incorporates under the NPCL, and the sample Certificate of Incorporation attached as Exhibit A will set forth the appropriate corporate purposes for a planning corporation, a development fund company and a day care corporation (whether a Youth Facilities Improvement Act day care center company or a day care center operating corporation).

As soon as a group is ready to incorporate, its lawyer should prepare its certificate of incorporation pursuant to the NPCL, the certificate should be executed by one or more incorporators and notarized by a notary public. One or more of the organizers of the corporation may act as incorporator or the lawyer drawing the certificate of incorporation may do so himself.

If the group is incorporating as a planning corporation, it should pick a name including the words "Planning Corporation". If the group is incorporating as a development fund company, it should be called a name including the words "Development Fund Company." If the group is incorporating as a day care center operating corporation, it should pick a name which should include the words "Day Care Center, Inc." For example, the sample incorporation papers annexed hereto are for the "XYZ Day Care Center, Inc.", a day care center operating corporation. Of course, the attorney for the group should first check with the Secretary of State's office to make sure that the name is available and has not been used by another group.

The NPCL sets forth in detail the provisions required to be included in the certificate of incorporation, and the sample certificate annexed hereto as Exhibit A has been prepared to conform with these requirements. In addition to stating that the incorporation is pursuant to the NPCL, the certificate must specify that the corporation is a "Type B" corporation under the statute (defined as a corporation formed for "a charitable, educational, scientific, literary, or cultural purpose or for the prevention of cruelty to children or animals"). This means that the day care program is intended to benefit the public generally (or a particular segment of public) rather than benefiting the members of the corporations. ("Type A" corporations under the NPCL are formed for civic, patriotic, social or political purposes and are generally operated on a non-profit basis for the benefit of their members or the community.)

The NPCL provides that a Type B corporation is required to obtain approvals of certain state boards and a Justice of the Supreme Court before filing its certificate with the Secretary of State. A planning corporation requires:

(a) a "no approval" letter from the office of Counsel at the State Department of Social Services,
(b) the waiver of the State Education Department,

(c) notice to the State Attorney General, and
(d) the approval of a Justice of the Supreme Court.

A Development Fund Company, a Youth Facilities Improvement Act day care center company and a day care center operating corporation require:

(a) the approval of the State Board of Social Welfare,
(b) the waiver of the State Education Department,
(c) notice to the State Attorney General, and
(d) the approval of a Justice of the Supreme Court.

The certificate of each type of corporation should set forth that the required approvals are endorsed thereon or attached thereto. The method of obtaining such approvals is discussed below. If the attorney has any questions regarding a proposed certificate of incorporation, and in order to expedite the incorporation process, he should send a proposed draft (or read sections aloud) to the following offices and request their advice and suggestions:

(a) State Attorney General's Office
80 Centre Street
New York, New York 10013
attn: Mr. Ronald Cohen (tel.: 212-488-7512)
or: Mr. Richard Agins (tel.: 212-488-2088)

(b) Department of Social Services
Office of Counsel
1450 Western Avenue
Albany, New York 12207
attn: Mr. Gil Harwood
Bureau of Charitable and Proprietary Organizations
(tel.: 518-GL7-7571)

A. Step One

In the case of a Youth Facilities Development Fund Company, or a Youth Facilities Improvement Act Day Care Center Company, the signed and notarized original (called "executed original" by state officials) of the Certificate and two conformed copies (Xerox copies or carbon copies of the original) and the form for approval of the Justice of the Supreme Court (see sample forms attached hereto as Exhibit A) should be returned to the Youth Facilities Office of the Department of Social Services with whom the group has been negotiating, with a request that the certificate be approved by the State Board of Social Welfare.

In the case of a planning corporation, the signed and notarized original of the Certificate and two conformed copies and the form for approval of a Justice of the Supreme Court should be sent to:

State Department of Social Services
Division of New York City Affairs
270 Broadway
New York, New York 10007

*attn: Vivian F. Bucknam
Assoc. Social Services Consultant,
Adult Institutions
(tel.: 212-488-4141)

In his covering letter, the attorney should state that the certificate is for a planning corporation (not for a day care center operating corporation) and request that the Department return the executed original with a "no approval" letter, which is a letter stating that the approval of the State Board of Social Welfare is not required for this corporation. Miss Bucknam will forward the papers to Mr. Gil Harwood, who will issue the "no approval" letter. The letter should be received within a week or two.

In the case of a day care center operating corporation, other than a Youth Facilities Improvement Act day care center company, two draft copies of the certificate should be sent to:

State Department of Social Services
Division of New York City Affairs
270 Broadway
New York, New York 10007
Attn: Vivian F. Bucknam
Associate Social Services Consultant,
Adult Institutions
(tel.: 212-488-3560)

with a letter requesting the approval of the proposed certificate by the State Board of Social Welfare. After Miss Bucknam has notified the attorney that the proposed certificate will be approved, a signed original and two conformed copies of the certificate and the form for approval of a Justice of the Supreme Court should be sent to her at the above address.

B. Step Two

In the case of each kind of corporation, at the same time that the papers are sent to the Department of Social Services, a conformed copy of the certificate of incorporation should be sent to the Attorney General's office, at the address stated above, with a request for review.

In the case of day care operating corporations, the Department of Social Services will send the attorney a questionnaire regarding the proposed board of directors and incorporators, the need for the proposed corporation, the staff or proposed staff, the qualifications and salaries of the staff, financial resources, expected expenses, and plans for physical facilities. Upon receipt of the completed questionnaire, the Department of Social Services will submit the certificate for approval by the State Board of Social Welfare. The board meets once a month. The board seems to refuse to issue the approval for day care center groups which will be funded by the New York City Agency for Child Development until the City agency informs the board that it will fund the group. Thus, it is easier to obtain State Board of Social Welfare approval of incorporation after the group has a "Letter of Intent" from the Agency for Child Development.

C. Step Three

Upon receipt of the letter of "no approval" in the case of a planning corporation, or receipt of the State Board of Social Welfare approval in the cases of a Development Fund Company, a Youth Facilities Improvement Act day care center company, and a day care center operating corporation, the signed original of the certificate of incorporation should be sent to the State Education Department for its "Regents Waiver" (a statement that the State Board of Regents does not have to approve the certificate). The address of their office is:

The State Education Department
Albany, New York 12227
attn: Robert D. Stone
Counsel and Deputy Commissioner for Legal Affairs

D. Step Four

After the State Board of Education has issued its waiver, the attorney should send the executed original to the State Attorney General's office for approval. If the Attorney General's office already has a conformed copy of the certificate, it will have reviewed the certificate and, assuming it is in satisfactory form, the executed original will be approved promptly. After the State Attorney General's office has approved the certificate, the attorney will petition the Supreme Court of the County in which the corporation is to be located for approval. The attorney will submit the signed certificate with the required approvals attached and the form for the approval of a Justice of the Supreme Court, Special Term, Part II, of the county in which the corporation is located, for approval. The approval should be ready to be picked up the next day.

E. Step Five

After all approvals have been received, the certificate of incorporation, together with a $50.00 filing fee (certified or attorney's personal check) should be sent to the Secretary of State, Bureau of Corporations, in Albany for filing. Upon receipt of a notice of filing from the Secretary of State, the attorney should notify the Attorney General that the incorporation process has been completed.

III. OPERATION OF A NOT-FOR-PROFIT CORPORATION

A. The Corporate By-Laws

The corporate by-laws set forth the procedures and rules for the operation of the corporation's affairs. The initial by-laws may be adopted by the incorporator at the organization meeting or by the board of directors at its initial meeting. The by-laws may be adopted, amended or repealed by the members or, unless provided otherwise in the certificate of incorporation or by the by-laws, by the board of directors. The by-laws may contain any provision relating to the business of the corporation, the conduct of its affairs, its rights or powers or the rights and powers of its members, directors, or officers, so long as such provisions are not inconsistent with the statutes of the state and the certificate of incorporation. The NPCL specifies the procedures, regulations, and requirements which ordinarily are contained in the by-laws and also indicates which statutory sections may be altered by the by-laws. A copy of sample by-laws is annexed hereto as Exhibit B.*

B. Who Runs the Corporation?

The persons active in the running of a corporation are generally designated as incorporators, members, directors and officers. There may be some confusion as to the roles that these various parties play and whether an individual might play more than one of these roles at a time. The statute specifies some of these various individuals, but their most important functions depend to a large degree on a particular corporations's decision and are set forth in the corporate by-laws.

1. Incorporators

The incorporator is the person who forms the corporation. The statute provides that one or more natural persons at least nineteen years of age may act as incorporators. The incorporator executes the Certificate of Incorporation and, if the initial directors are not designated in the Certificate, he is responsible for the conduct of corporate activities through the organizational stage until the directors take office. The incorporator may have the responsibility for obtaining any approvals which may be necessary prior to the filing of the Certificate and for the beginning of corporate existence.

2. Members

Status as a member of a corporation is determined by reference to the by-laws of the corporation. The by-laws generally provide for the qualifications of members, requirements for the payment of membership fees or dues, and for the termination of membership. The statute provides that corporations, unincorporated associations and partnerships, as well as any other person without limitation, may be members; thus, there are no age or residency requirements.

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* See Part Ten of the MANUAL for more information on preparing By-laws.

The NPCL provides that a Type B corporation (generally the charitable or philanthropic organization) need have no members. Under the old Membership Corporation Law, members were analogous to stockholders of a business corporation, but members did not invest in the corporation. Members would hold annual meetings and elect directors. The group will have to decide whether they will need members and how they want control exercised and the corporation organized. It may be advisable for a day care center corporation to have members as well as directors, since it might be advantageous to have many community members and parents active and interested in the corporation and to have a small number of these people act as directors, who are responsible for the conduct of the corporation's affairs. Other groups may choose to have a small group of members who would control the directors in order to give a small group on-going control. See Exhibit B attached hereto for an example of qualifications for membership drawn to meet the needs of a particular group.

If there are members of the corporation, they as a body have the ultimate authority in running the corporation. Members elect the directors (whose function is described below); in general a majority vote of the members is required to make a basic change in corporate purpose or powers by authorizing an amendment to the certificate of incorporation; and members have the authority to adopt, amend or repeal corporate by-laws and to vote to adopt a plan of dissolution of the corporation and distribution of its assets.

There is a significant degree of flexibility under the NPCL so that, depending on the needs and desires of a particular group, a corporation may have different classes of members with different qualifications for membership and different terms of office. Provisions for classes of members may be included either in the certificate or the by-laws.

3. Directors

The directors, referred to collectively as the Board or Board of Directors, constitute the body which determines the general policies that the corporation is to follow and oversees the major activity of the corporation. Since the full membership usually meets infrequently, most actions taken are authorized by the Board. The certificate of incorporation may provide that the corporation be managed by someone other than the Board, but in the absence of such a provision, the directors are given this responsibility and may beheld to a high level of accountability for their actions.

The only statutory qualification for directors is that they must be at least nineteen years of age. Other qualifications may be required by the certificate of incorporation or by by-laws. Directors need not be members unless the corporate papers require it. There must, however, be at least three directors. The number may be specified either in the by-laws, or by an action of the members or the Board if such action is provided for in a by-law adopted by the members.

The composition and qualifications of the Board are also matters where corporations can exercise flexibility. For example, the directors may be classified by division into either two, three or four classes so that the terms of office of the directors expire in staggered years. The Board may be set up so that a particular class of members can elect only the Directors who are in a specified class. The purpose of such a provision may be to ensure representation on the Board for a relatively small class of members who might otherwise be out-voted.

The City now requires that there be a minimum of ten directors listed in the certificate of incorporation. (See the sample Certificate of Incorporation, Exhibit A. Article NINTH should list the names and residences of at least ten directors.) The State requires that the directors and incorporators be community members or parents with character and standing in the community.

The New York City Agency for Child Development has circulated a memorandum setting forth its policy regarding conflict of interest which governs all organizations receiving city funding, including day care centers, interim-funded day care centers, developing child care centers under the Model Cities Seed Money Program, family Day-Care-Career Centers and Head Start Centers. The memorandum provides that a center's employees and members of their immediate families may not serve on the center's Board of Directors or any committee with authority to order personnel actions affecting his or her job or any committee that, either by rule or by practice, regularly nominates, recommends or screens candidates for employment in the center. The memorandum states, however, that "Boards may decide through their by-laws to permit staff to participate on the board as non-voting members in order that they may contribute their knowledge of day-to-day agency operation."

There is some disagreement as to whether there is in fact a legal requirement that employees of day care centers and their relatives not serve on the Board of Directors. See Exhibit D of this section for further discussion of this requirement.

In connection with the above, Section 4.16 of the sample By-Laws, Exhibit B, should be amended to read as follows:

> "Section 4.16. Honorary Directors. Any Director who fails to attend four consecutive regular meetings of the Board of Directors shall be an Honorary Director for the duration of his term of office, and the Board shall elect a successor to fill the unexpired term at its next meeting. Any Director who is an employee of the corporation or who is a member of the immediate family of such an employee shall be an Honorary Director. An Honorary Director shall be entitled to notice of and attendance at all meetings of the Board of Directors, but shall not be entitled to vote on any matter submitted to the Board of Directors for a vote and shall not be a Director for any other purpose."

4. Officers

The functions of the officers are spelled out in the corporate by-laws. The number of officers that the corporation shall have, their titles, their powers and duties, are matters of great flexibility which may be stated in the by-laws according to the decision and needs of the particular corporation.

Day-to-day corporate actions are carried out by the officers. Ordinarily, the president has the function of executing actions authorized by the Board; the treasurer has the authority to make payments and keep track of corporate finances; the secretary generally keeps corporate records.

Unless the certificate of incorporation states that they are to be elected by the members, the officers are generally elected by the Board. The usual officers are a president, one or more vice-presidents, a secretary, and a treasurer. They may or may not be members. A single person may hold more than one office except that the offices of president and secretary or their equivalent may not be held by the same person. The statute does not provide any age limitation for officers.

The officers or any of them may be made ex-officio Board members, with voting rights, by the certificate of incorporation or the by-laws.

5. Liability of officers and directors

Corporate officers and directors have power to act on behalf of the corporation. They also have a responsibility to act in ways intended to benefit the corporation. The duty of directors and officers toward the corporation is stated in section 717 of the NPCL, which says that they must act in good faith with "that degree of diligence, care and skill which ordinarily prudent men would exercise under similar circumstances in like positions."

Section 719 of the NPCL imposes liability on the directors of a corporation who authorize corporate action which is in violation of a specific provision of the statute, such as making prohibited distributions of corporate assets or making prohibited loans. Whenever such prohibited acts are authorized, in order to avoid liability, directors who do not concur in the action are required to register their dissent in writing either by having it recorded in the minutes or by letter to the secretary. This applies to all directors whether or not they were present at the meeting in question.

Section 716 of the NPCL prohibits the corporation from making loans to a director or officer or organization in which any director or officer has a financial interest.

Provisions are made in the statute for the indemnification of officers and directors who are made parties to suits involving the corporation.

C. Meetings of the Corporation

The provisions on meetings in the NPCL are specific and numerous. The NPCL provides for an annual meeting of members, or, if no members, of directors, to elect directors and to transact other business, to be held within or without the state. It also fixes a set procedure for a special meeting for the election of directors if an insufficient number of directors to conduct the business of the corporation is elected at the annual meeting. It authorizes the calling of special meetings by the Board or by members entitled to cast 10% of the total number of votes or by whatever persons so specified in the by-laws or the certificate of incorporation. The members and/or directors should consider whether to invite outside consultants, such as lawyers, accountants or day-care advisers, to the meetings, as such persons can provide helpful advice to the group. In most cases, the lawyer will attend the first few meetings, especially the organization meeting and the first annual meeting of members.

The NPCL also states that notice is necessary for annual meetings and that personal or mail service between ten and fifty days before the meeting is required for special meetings of members. The written notice for special meetings of members must include the date, time, and place of the meeting, the persons who are calling the meeting, and the purposes of the meeting. See NPCL Sec. 605.

Unless otherwise provided by the by-laws, regular meetings of the directors may be held without notice if the time and place of such meetings are fixed by the by-laws or the board of directors. Special meetings shall be held upon notice to the directors. The by-laws may prescribe what shall constitute notice of meetings of the board. A majority of the directors present, whether or not a quorum is present, may adjourn any meeting. If the by-laws so provide, notice of any adjournment to another time or place shall be given to the directors who were not present at the time of adjournment. See Sec. 711.

Section 607 provides that a list or record of members must be presented at any meeting of members on a written request made at least ten days before the meeting. If the right of any person at the meeting to vote is challenged, the inspector must require such a list to be produced.

Under the new law, a quorum shall be the number of members entitled to cast a majority of the total votes to be cast. When a specified item of business is to be voted on by a class, members entitled to cast a majority of the votes of that class shall constitute a quorum. See Sec. 608. In the case of meetings of members, the certificate of incorporation or the by-laws may provide for a lesser quorum down to one hundred votes or one-tenth of the total number of votes, whichever is smaller, under Sec. 608, or for a greater quorum under Sec. 615. In the case of meetings of directors, the certificate of incorporation or the by-laws may fix the quorum at less than a majority of the entire board, under Sec. 707, or at a greater proportion, under Sec. 709. The greater quorum requirements under Sec. 615 and Sec. 709, however, can only be amended by a two-thirds vote if not otherwise specified by the by-laws or the certificate of incorporation.

Section 609 provides a detailed procedure for proxies and states that every member entitled to vote at a meeting may authorize another person to act for him by proxy. Section 610 gives a lengthy procedure for the appointment and duties of inspectors at meetings. Section 611 outlines the procedure for fixing a record date to determine eligibility to vote if the Board or by-laws fail to do so. Section 614 provides for action by members without a meeting.

Annexed hereto as Exhibit C are sample minutes of the organization meeting of incorporators and of the first annual meetings of members and directors.

Part Ten of the MANUAL contains more information on how to write by-laws for a day care center corporation.

EXHIBIT A

CERTIFICATE OF INCORPORATION*
OF
XYZ DAY CARE CENTER, INC.**

Under Section 402 of the
Not-for-Profit Corporation Law

We, the undersigned, desiring to form a charitable corporation pursuant to Section 402 of the Not-for-Profit Corporation Law of the State of New York, do hereby certify:

FIRST: The name of the corporation (hereinafter referred to as the "Corporation") shall be XYZ DAY CARE CENTER, INC.** The post office address of the Corporation to which the Secretary of State shall mail a copy of any notice required by law is

SECOND: The purpose or purposes for which the Corporation is formed are to establish, maintain and operate day care centers in the County of New York; provided, however, that before each such center is established and opened the written approval of the State Board of Social Welfare shall be obtained. The Corporation is a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-for-Profit Corporation Law. The Corporation shall be a Type B Corporation under Section 201 of the Not-for-Profit Corporation Law of the State of New York. The duration of the Corporation shall be perpetual.*** All approvals

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* This sample certificate should not be used by a group incorporating as a Youth Facilities Improvement Act day care center company or development fund company unless the lawyer first consults with the Youth Facilities Bureau.

** For a Planning Corporation, the name would be "XYZ Planning Corporation", and for a Development Fund Company, the name would be "XYZ Development Fund Company". For a Youth Facilities Improvement Act day care center company, the Youth Facilities Bureau will suggest the proper name.

*** A two-year limitation must be added (and the sentence stating that the duration shall be perpetual should be deleted) if the corporation is to be financed by the New York City Department of Social Services. The two-year limitation should read as follows:

> "The duration of the corporation should be for a period of two (2) years from the date the Certificate is filed with the Secretary of State and the duration of the existence of the Corporation shall not be extended without the prior approval of the State Board of Social Welfare."

note: At the time of publication of the Manual, this two-year for or consents to the filing of this Certificate which are required by the Not-for-Profit Corporation Law or any other statute of the State of New York are endorsed hereon or annexed hereto.*

THIRD: In furtherance of its purposes, but not otherwise, and subject to such limitations as are or may be prescribed by law or by this Certificate of Incorporation, the Corporation shall have power to do any act, including, without limiting the generality of the foregoing, power

(1) to solicit, accept and receive, by gift, bequest, devise or benefit of trust; and to hold, own and administer, any property, real, personal, tangible or intangible, wherever located;

(2) to make contributions, grants, loans, guarantees and other payments of money and extensions of credit to any organization, public or private, or individual;

(3) to purchase, lease or otherwise acquire, to hold, and to mortgage, sell or otherwise dispose of or encumber real and personal property or any share of interest therein, and to invest, reinvest and deal with the same;

(4) to borrow money, to make, accept, endorse, execute and issue promissory notes and other obligations for money borrowed, property acquired or services received;

(5) to make and perform contracts and incur liabilities, and

(6) to delegate functions, conduct its activities through other organizations and individuals and to become a member of any committee or other organization.

Notwithstanding any other provision of this article THIRD, the Corporation shall not have power to carry on any activities not permitted to be carried on (a) by a corporation exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code

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limitation was being challenged in court. For further information on whether it is still required, call:

Stacie Jacob (663-7200,ex.226) or
Arlene Kramer (935-8658)

* In the case of a Planning Corporation this entire Article SECOND should be eliminated and the Article SECOND contained in the attached Rider A should be substituted for it. In the case of a Development Fund Company, this entire Article SECOND should be eliminated and the Article SECOND contained in the attached Rider B should be substituted for it.

Rider A - for Planning Corporations

"SECOND: A. The objects, purposes and powers of the Corporation shall be as follows:

(a) The objects and purposes of this Corporation shall be exclusively charitable, scientific and educational within the meaning of section 501(c)(3) of the United States Internal Revenue Code of 1954, as the same may be amended from time to time, and shall be limited exclusively to the following objects and purposes:

1) To plan for a comprehensive day care and child development program.

2) To plan for the purchase and renovation of one or more physical facilities for a child day care program.

3) To plan for child care staffing patterns and staff development.

4) To plan for participation in this program by parents and community residents.

5) And subject to Section B of this Article SECOND, for other charitable purposes.

The Corporation is a corporation as defined in sub-paragraph (a)(5) of Section 102 of the Not-for-Profit Corporation Law. The Corporation shall be a Type-B Corporation under Section 201 of the Not-for-Profit Corporation Law of the State of New York. The duration of the Corporation shall be perpetual. All approvals for or consents to the filing of this Certificate which are required by the Not-for-Profit Corporation Law or any other statute of the State of New York are endorsed hereon or annexed hereto.

B. The Corporation will not be authorized or empowered to solicit and will not solicit contributions for any purpose for which the approval of the State Board of Social Welfare of the State of New York is required by Section 35 of the Social Welfare Law; and nothing in the Corporation's Certificate of Incorporation shall authorize or empower the Corporation to undertake or carry on, and the Corporation will not undertake or carry on, directly or indirectly, any of the activities specified in Section 35 of the Social Welfare Law of the State of New York or any other activities for which the approval of the State Board of Social Welfare is required."

Rider B - for Development Fund Companies

"SECOND: A. The exclusive purpose of which the Company is to be formed is to plan and develop a day care center and facilities incidental and appurtenant thereto for children of pre-school and primary school age in need of such service for all or a substantial part of the day or post-school day at
However, nothing herein contained shall authorize the Company to operate a day care center or engage in any activities which require the approval of the New York State Board of Social Welfare. The Company is a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-for-Profit Corporation Law. The Company shall be a Type-B Corporation under Section 201 of the Not-for-Profit Corporation Law of the State of New York. The duration of the Company shall be perpetual. All approvals for or consents to the filing of this Certificate which are required by the Not-for-Profit Corporation Law or any other statute of the State of New York are endorsed hereon or annexed hereto.

B. If the Company receives a temporary loan or advance from the Youth Facilities Development Fund, it shall be authorized to enter into an agreement with the Commissioner of the New York State Department of Social Services, which shall provide that:

A) The Company will maintain books and records and a system of accounts satisfactory to the Commissioner of the New York State Department of Social Services and that such books and records and system of accounts shall be open to examination by the Commissioner of the New York State Department of Social Services at any time.

B) The Company shall file with the Commissioner of the New York State Department of Social Services such financial statements as the said Commissioner may require.

C) The Company shall not acquire any real property or interest therein without first obtaining the written consent of the Commissioner of the New York State Department of Social Services.

D) The Company shall not issue notes, bonds, debentures or other obligations other than for money or property actually received for the use and lawful purpose of the Company.

E) The Company will not dispose of real property or other assets without having first obtained the written consent of the Commissioner of the New York State Department of Social Services.

Rider B - for Development Fund Companies
(continued)

F) The Company will not voluntarily dissolve until all advances made from the Youth Facilities Development Fund pursuant to Section 410-n of the Social Services Law have been repaid.

Nothing herein contained shall authorize the Company to undertake or carry on any of the activities specified in Section 35 of the Social Services Law.

of 1954 (or the corresponding provisions of any subsequent law), and (b) by a corporation to which contributions are deductible under sections 170(c)(2), 2055(a)(2) or 2522(a)(2) of the Internal Revenue Code of 1954 (or the corresponding provisions of any subsequent law). No more than an insubstantial part of the activities of the Corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation. The Corporation shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

In the event that the Corporation shall at any time be a private foundation within the meaning of Section 509 of the Internal Revenue Code of 1954 (or the corresponding provisions of any subsequent law) the Corporation, so long as it shall be such a private foundation, shall distribute such income as may be necessary in each taxable year at such time and in such manner as not to subject the Corporation to tax under Section 4942 of said Code, and shall be absolutely prohibited from and shall refrain from engaging in the following acts:

1. Any act of self-dealing as defined in Section 4941(d) of said Code.
2. Retaining any excess business holdings as defined in Section 4943(c) of said Code.
3. Making any investment in such manner as to subject the Corporation to tax under Section 4944 of said Code.
4. Making any taxable expenditures, as defined in Section 4945(d) of said Code.

FOURTH: The Corporation is not organized, and shall not be conducted, for pecuniary profit. No part of the income or assets of the Corporation shall be distributable to nor inure to the benefit of its members, directors, officers or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes.

FIFTH: Upon the dissolution of the Corporation or the winding up of its affairs, none of the assets of the Corporation shall be distributed to any director, member, officer, or employee of the Corporation, and all such assets, after the payment of the obligations of the Corporation, shall be transferred or distributed to an organization or organizations at the time qualified under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, subject to the applicable provisions of the Not-for-Profit Corporation Law of the State of New York at the time in effect, including approval, if required, by a Justice of the Supreme Court of the appropriate judicial district.

EXHIBIT A

SIXTH: The Corporation will carry on its operations principally in the , and in particular,

SEVENTH: The office of the Corporation is to be located in the City, County and State of New York. This Certificate is not for an existing unincorporated association or group.*

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* If the Certificate is for an existing unincorporated association, the following Subscription Statement must be attached to the Certificate of Incorporation:

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

(List names of subscribers)
each for himself or herself, being duly sworn, deposes and says:

That the undersigned are subscribers to the foregoing certificate of incorporation; that the foregoing certificate of incorporation is for the incorporation of an existing unincorporated association or group and that the undersigned subscribers of the foregoing certificate constitute a majority of the members of a committee duly authorized to incorporate such association or group.

Subscriber

Subscriber

Subscriber

Sworn to before me this
day of , 1971.

Notary Public

EIGHTH: The number of directors of the Corporation shall not be less than ten (10).

NINTH: The names and residences of the directors until the first annual meeting are as follows:

Names	Residences

TENTH: All of the subscribers of this Certificate are over the age of nineteen years; at least two-thirds of them are citizens of the United States; and at least one of them is a resident of the State of New York. Of the persons named as directors, at least one is a citizen of the United States and a resident of the State of New York.

IN WITNESS WHEREOF, we have made, subscribed and acknowledged this Certificate this day of , 19

Name of Subscriber

Residence of Subscriber

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

On this day of , 19 , before me personally came , to me known to be one of the persons described in and who executed the foregoing certificate, and she duly acknowledged to me that she executed the same.

Notary Public

SUPREME COURT : NEW YORK COUNTY

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In the matter of the Application
for the Approval of the Certificate
of Incorporation of

XYZ DAY CARE CENTER, INC.

Pursuant to the Not-for-Profit
Corporation Law

---x

APPROVAL

I, , a Justice of the Supreme Court of the State of New York in the Judicial District wherein the principal office of XYZ Day Care Center, Inc. is to be located, do hereby approve the within Certificate of Incorporation of XYZ Day Care Center, Inc.

____
Justice of the Supreme Court

BY-LAWS OF XYZ
DAY CARE CENTER, INC.

ARTICLE I

Purposes

Section 1.01 Special Policemen. If the Corporation uses any parks or playgrounds subject to the ordinances and police regulations of the county, city, town or village in which they are located, the Board of Directors may appoint special policemen to protect such areas under Sec. 202(16)(d) of the New York Not-for-Profit Corporation Law.

ARTICLE II

Members

Section 2.01 Membership. The membership of the Corporation shall consist of the persons who have signed the Certificate of Incorporation of the Corporation, those persons on the Board of Directors of the Corporation, and such other members as from time to time thereafter are duly qualified for membership as hereinafter provided.

Section 2.02 Classes of Membership. The membership of the Corporation shall be divided into the following classes:
Members shall vote as a class in connection with the following transactions: *

Section 2.03 Eligibility and Election of Members. Any individual who

(a) is a parent of a child or children enrolled (at the time or in the past) in any program of the Corporation, or

(b) is a member of the administrative (including teaching) staff of any program of the Corporation, or

(c) is nominated by the Board of Directors of the Corporation, or

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* This entire section is optional. However, if the Corporation desires membership classes it must state the characteristics of each class and the qualifications and rights of, and limitations upon, the members of each class in the Certificate of Incorporation or the By-Laws. Alternatively, the certificate or the by-laws may contain a provision allowing the board to make a resolution creating such classes and detailing their characteristics. See NPCL Sec. 601.

See Part Ten of the MANUAL for more information on how to write By-laws for a day care center corporation.

(d) is on the Board of Directors of the Corporation,

shall be eligible to become a member of the Corporation. Members shall be elected by a majority vote of the entire Board of Directors at any annual, regular or special meeting of the Board, provided that the notice of such meeting sets forth the names of the persons so proposed for membership, or by majority vote of the members present at any annual or special meeting of members, provided that a quorum exists and provided, further, that the names of the persons so proposed for membership are submitted to the Board of Directors at least two weeks prior to such meeting.

Section 2.04 Resignations. Any member may resign at any time by delivering a written resignation to the Corporation. The acceptance of any such resignation, unless required by the terms thereof, shall not be necessary to make the same effective.

Section 2.05 Term of Membership. The membership term shall be years for all members. At least 30 days prior to the expiration of his or her membership term, each member shall be given the right to renew his or her membership for an additional term. The Board of Directors may, in its discretion, establish reasonable qualifications for the renewal of membership. Membership shall be terminated by death, resignation, expulsion, expiration of a term of membership, liquidation or dissolution.

ARTICLE III

Meetings of Members

Section 3.01 Place of Meeting. All meetings of the members of the Corporation shall be held at the place (which may be within or outside the State of New York) specified in the notice of the meeting or in the waiver of notice thereof.

Section 3.02 Annual Meeting. The annual meeting of the members of the Corporation for the election of Directors and for the transaction of such other business as may properly come before the meeting shall be held , if not a legal holiday, or, if a legal holiday, then on the next succeeding day not a legal holiday, at the hour specified in the notice of the meeting or in the waiver of notice thereof.

Section 3.03 Report at Annual Meeting. There shall be presented at each annual meeting of the members a Director's Report as required by Sec. 519 of the New York Not-for-Profit Corporation Law.

Section 3.04 Special Meetings. Special meetings of the members of the Corporation may be called at any time by the President, any Vice President, or * of the members of the Corporation

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* If this number is not specified, it will be 10%.

at such time and place as may be specified in the notice or waiver of notice thereof.

Section 3.05 Special Meeting for Election of Directors. If, for a period of one month after (the date of annual membership meeting), there is a failure to elect a sufficient number of directors to conduct the business of the Corporation, the Board of Directors shall call a special meeting of the members for the election of directors under Sec. 604. The meeting shall be held at .*

Section 3.06 Notice of Meetings of Members. Written notice of each annual or special meeting of the members of the Corporation shall be mailed to each member addressed to each member at his address as it appears on the records of the Corporation not less than ten or more than fifty days before the date of the meeting. Written notice shall declare the time, date and place of the meeting and, unless it is an annual meeting, indicate that it is being issued by or at the direction of the person or persons calling the meeting and state the purpose or purposes for which the meeting is being called. Notice of any meeting need not be given to any member if waived by such member before or after the meeting in writing or by telegraph. The attendance of any member at a meeting, in person or by proxy, without protesting prior to the conclusion of the meeting the lack of notice of such a meeting, shall constitute a waiver of notice by him. No notice need be given of any adjourned meeting if the date and time of the adjournment was announced at the meeting at which the adjournment is taken.**

Section 3.07 Inspectors. The Board of Directors, in advance of any meeting of the members, may appoint one or more inspectors to act at the meeting or an adjournment thereof.***

Section 3.08 Quorum. Members entitled to cast a majority of the total number of votes entitled to be case thereat shall constitute a quorum at a meeting of members for the transaction of any business, provided that when a specified item of business is required to be voted on by a class of members, voting as a class, members entitled to cast a majority of the total number of votes entitled to be cast by such class shall constitute a quorum for the transaction of such items of business.*

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* If not specified in by-laws, the meeting will be at office of the Corporation.

** If the Corporation desires notice of adjournments, it must so state in the by-laws.

*** The appointment of inspectors can also be made a requirement in the by-laws.

Section 3.09 Voting. Except for the election and removal of directors and the removal of members, all matters shall be decided by the vote of a majority of the members of the Corporation present in person or by proxy at the meeting.

Section 3.10 Limitations on Right to Vote. If any limitations on the right to vote of any members or of any classes of members are desired, these must be so stated in the by-laws. Such limitations will apply provided that at least one class of members, singly or in aggregate, shall have full voting rights.

Section 3.11 Determination of Eligibility of Members. By-laws may fix a record date for determination of eligibility of members to vote under Sec. 611.**

Section 3.12 Proxies. Attendance and voting at any meeting of the members of the Corporation may be in person or by a member acting as proxy for an absent member. Every proxy must be executed in writing by the member or by such member's duly authorized attorney, but need not be witnessed; a proxy must be in favor of a member who is present at the meeting. No proxy shall be valid after the expiration of eleven months from its date, unless the member executing it shall have specified therein a longer duration.

ARTICLE IV

Directors

Section 4.01 Powers. The property, affairs, and activities of the Corporation shall be managed and controlled and its powers exercised by the Board of Directors.

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* By-laws can specify a lesser quorum to one hundred votes or one-tenth of the total number of votes entitled to be cast, whichever is lesser, and the by-laws or certificate of incorporation may provide for any greater quorum. If a greater quorum is required, its existence must be noted conspicuously on the face or back of every membership certificate or card.

** By-laws may provide for cumulative voting under NPCL Sec. 617.

Section 4.02 Classification. The Directors shall be divided into the following classes:*

Section 4.03 Number and Election of Directors. The number of Directors of the Corporation shall be not less than ten nor more than .** The Directors for the first year of the Corporation's existence and until changed by action at any annual or special meeting of members by a majority vote of the members shall be in number. The Directors shall be elected at the first meeting of members and thereafter at each annual meeting of members. At each such meeting at which a quorum is present, the persons receiving a majority of votes cast shall be Directors, subject, however, to the provisions of Sec. 4.05.

Section 4.04 Increase or Decrease in Number of Directors. The number of Directors may be increased or decreased by vote of the members at any annual or special meeting of the members or by vote of the Board of Directors provided that no reduction in the number of Directors shall affect any Director whose term of office has not expired.

Section 4.05 Qualifications of Directors. All Directors shall be of full age and members of the Corporation, and at least one of them shall be a citizen of the United States and a resident of the State of New York.

Section 4.06 Terms of Office. Each Director elected at the first annual meeting of the members shall hold office for one year terms (i.e., until the next annual meeting of members and thereafter until their successors are elected and shall qualify) and thereafter, all Directors shall hold office for one year terms (i.e., until the next annual meeting of members following their election and thereafter until their successors are elected and shall qualify); provided, however, that any Director elected to fill an unexpired term (whether resulting from the death, resignation or removal or honorary directorship or created by an increase in the number of Directors) shall hold office until the next annual meeting of members. Directors may be elected to any number of consecutive terms.

Section 4.07 Resignations. Any Director may resign at any time by delivering a written resignation to the Corporation. The acceptance of any such resignation, unless required by the terms thereof, shall not be necessary to make the same effective.

Section 4.08 Removal. Any Director may be removed at any time either for or without cause by the vote of two-thirds of all the members of the Corporation entitled to vote given at a meeting the notice of which shall have specified the proposed removal, or may be removed with cause by the vote of two-thirds of all the Directors then in office.

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* This is optional. See NPCL Sec. 704

** If the number of Directors is not specified in the By-laws, it will be three under NPCL Sec. 702.

Section 4.09 Vacancies. Whenever the number of Directors shall for any reason be less than the authorized number, the vacancies, unless theretofore filled by the members of the Corporation, may be filled, for the unexpired term, by the Board of Directors.

Section 4.10 Annual Meetings. The annual meetings of the Board of Directors for the election of the officers of the Corporation and for the transaction of such other business as may properly come before it shall be held at the place at which the annual meeting of the members of the Corporation shall be held, and shall be held immediately following such meeting.

Section 4.11 Regular Meetings. The Board of Directors from time to time may provide by resolution for the holding of such regular meetings as it may determine upon and may fix the time and place (which may be either within or outside the State of New York) thereof.

Section 4.12 Special Meetings. Special meetings of the Board of Directors may be called at any time by the President or any Vice President of the Corporation or by any Director at such time and place (which may be either within or outside the State of New York) as may be specified in the notice of the meetings or in the waiver of notice thereof.

Section 4.13 Notices of Meetings. No notice of any regular meeting of the Board of Directors need by given, provided, however, that if the Board of Directors shall fix or change the time or place of regular meetings, notice of such action shall be mailed promptly to each Director who shall not have been present at the meeting at which such action was taken, addressed to such Director at his address as it appears on the records of the Corporation or sent by telegraph to such address, or delivered to such Director personally. Notice of each annual and special meeting of the Board of Directors shall be mailed to each Director addressed to such Director at his address as it appears on the records of the Corporation at least five days before the day on which the meeting is to be held, or sent by telegraph to such address, or delivered to such Director personally, not later than two days before the day on which the meeting is to be held. Notice of any meeting need not be given to any Director, however, if waived by such Director before or after the meeting in writing or by telegraph. No notice need be given of any meeting at which every member of the Board of Directors shall be present, and any business may be transacted thereat. No notice need be given of any adjourned meeting.

Section 4.14 Quorum. Except as may be expressly otherwise required by statute, at all meetings of the Board of Directors the presence of a majority of all of the Directors (other than Honorary Directors) shall be necessary and sufficient to constitute a quorum for the transaction of business.* In the absence of a quorum, a majority of the Directors (other than Honorary Directors) present at the appointed time and place of the meeting, or, if no Director is present, any officer of the Corporation present thereat, may adjourn the meeting from time to time for a period not exceeding twenty days in any one case. At any such adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting as originally called.

Section 4.15 Voting. At all meetings of the Board of Directors, except as at the time otherwise expressly required by statute, all matters shall be decided by the vote of a majority of the Directors (other than Honorary Directors) present at the meeting.

Section 4.16 Honorary Directors. Any Director who fails to attend four consecutive regular meetings of the Board of Directors shall be an Honorary Director for the duration of his term of office, and the Board shall elect a successor to fill the unexpired term at its next meeting. An Honorary Director shall be entitled to notice of and attendance at all meetings of the Boardof Directors, but shall not be entitled to vote on any matter submitted to the Board of Directors for a vote and shall not be a Director for any other purpose.

Section 4.17 Committees. The Board of Directors may designate such committees, including a Membership Committee and an Executive Committee, each of which shall consist of such number of members with such qualifications as the Board of Directors shall from time to time determine, and each of which shall have all such powers and perform all such duties as may be expressly determined by the Board of Directors.

ARTICLE V

Officers

Section 5.01 Number of Officers and Qualifications. The officers of the Corporation shall be a President, one or more Vice Presidents, a Secretary and a Treasurer, may include a Chairman of the Board, and such other officers as may be appointed from time to time in accordance with the provisions of Section 5.03 hereof. Any person may hold any two or more offices of the Corporation except those of President and Secretary. An officer, other than the President and any of the Vice Presidents, need not be a Director or member.

Section 5.02 Election and Term of Office. The officers

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* The By-laws or the Certificate of Incorporation may provide that the quorum shall be less than a majority of all the Directors, but not less than one-third thereof. See NPCL Sec. 707. The By-laws or the Certificate of Incorporation may specify that the quorum shall be greater than a majority. NPCL Sec. 709

(except such officers as may be appointed in accordance with the provisions of Section 5.03 hereof) shall be elected by the Board of Directors at its first meeting and thereafter annually at its annual meetings. Each officer (whether elected at the annual meeting of the Board of Directors, or to fill a vacancy or otherwise) shall continue in office until the close of the election of officers at the annual meeting of the Board of Directors next held after his election and until a successor shall have been elected and shall have qualified, or until the death, resignation or removal of such officer.

Section 5.03 Subordinate Officers. The Board of Directors from time to time may appoint such other officers or agents as it may deem advisable. No such other officer or agent need be a Director or a member of the Corporation. To the full extent allowed by law, the Board of Directors may delegate to any officer or agent any powers possessed by the Board of Directors and may prescribe their respective titles, terms of office, authorities and duties.

Section 5.04 Resignations. Any officer may resign at any time by delivering a written resignation to the Corporation. The acceptance of any such resignation, unless required by the terms thereof, shall not be necessary to make the same effective.

Section 5.05 Removal. Any officer or agent may be removed at any time either for or without cause by the vote of a majority of the Directors then in office at any regular or special meeting of the Board of Directors.

Section 5.06 Vacancies. Any vacancy in any office may be filled for the unexpired portion of the term by the Board of Directors or officer or agent to whom the power to fill such vacancy has been delegated pursuant to the provisions of Section 5.03 hereof.

Section 5.07 Powers and Duties. The officers of the Corporation shall have such powers and duties, except as may be modified by the Board of Directors, as generally pertain to their respective offices as well as such powers and duties as from time to time may be determined by the Board of Directors.

ARTICLE VI

Corporate Finance

Section 6.01 Deposit of Funds. All funds of the Corporation not otherwise employed shall be deposited in such banks or trust companies or with such bankers or other depositaries as the Board of Directors from time to time may determine.

Section 6.02 Checks, etc. All checks, drafts, endorsements, notes and evidences of indebtedness of the Corporation shall be signed by such officer or officers or agent or agents of the Corporation and in such manner as the Board of Directors from time to time may determine.

Section 6.03 Contracts. No contract may be entered into on behalf of the Corporation unless and except as authorized by the Board of Directors; any such authorization may be general or confined to specific instances.

Section 6.04 Initiation Fees, Dues and Assessments, etc. The Directors may levy initiation fees, dues and assessments on members and may impose reasonable fines and other penalties on members for violation of rules and regulations.

ARTICLE VII

Compensation of and Contracts with Members, Directors and Officers; Purchase, Sale, Mortgage or Lease of Real Property

Section 7.01 Compensation. Any member, Director or officer of the Corporation is authorized to receive reasonable compensation from the Corporation for services rendered to the Corporation when authorized by the Board of Directors, and only when so authorized; provided, however, that no member or Director of the Corporation may receive compensation for acting as a member or Director.

Section 7.02 Contracts with Members, Directors and Officers. No member, Director or officer of the Corporation shall be interested, directly or indirectly, in any contract relating to the operations conducted by it, nor in any contract for furnishing services or supplies to it, unless such contract shall be authorized by the Board of Directors and unless the fact of such interest shall have been disclosed or known to the Board of Directors at the meeting at which such contract is so authorized.

Section 7.03 Required Vote for Purchase, Sale, Mortgage or Lease of Real Property. No purchase, sale, mortgage or lease of real property shall be made by the Corporation except upon the affirmative vote of at least two-thirds of the number of Directors then in office.

ARTICLE VIII

Corporate Seal

Section 8.01 Corporate Seal. The corporate seal of the Corporation shall be circular in form and shall bear the words and figures: "XYZ Day Care Center, Inc.--Corporate Seal--1970--New York" or words and figures of similar import. The form of such seal shall be subject to alteration by the Board of Directors.

ARTICLE IX

Fiscal Year

Section 9.01 Fiscal Year. The fiscal year of the Corporation shall commence on January 1 in each year and shall end on December 31 of each year.

ARTICLE X

Amendments to By-Laws

Section 10.01 Amendments. All By-laws of the Corporation shall be subject to amendment or repeal, and new By-laws may be made, by the members of the Corporation or by the Board of Directors, at any annual, regular or special meeting, provided that the notice or waiver of notice of such meeting shall have specified or summarized the proposed amendment, repeal or new By-law, and further provided that the following provisions of these By-laws may be amended or repealed only by the members:

(a) Sections 2.01 and 2.02, relating to the Directors; and

(b) Sections 4.02 - 4.09, inclusive, relating to the Directors; and

(c) this Section 10.01.

EXHIBIT C

XYZ PLANNING CORPORATION

MINUTES OF ORGANIZATION MEETING OF INCORPORATORS

The first organization meeting of the incorporators of the XYZ Planning Corporation was held at 7:00 p.m. on , 19 , at New York. Present in person were:

____

______________________________ ______________________________

______________________________ ______________________________

______________________________ ______________________________

______________________________ ______________________________

No persons were present by written proxy.

By unanimous vote, was elected to serve as temporary chairman and was elected to serve as temporary secretary of the meeting.

The temporary secretary submitted a waiver of notice of this meeting, which was duly signed by all those present. The temporary chairman directed that those absent be contacted and asked to sign this waiver, and directed that the waiver be annexed to these minutes.

, the attorney for the incorporators, reported on the incorporation process. She presented a photostatic copy of the Certificate of Incorporation and the original Receipt showing the acceptance and filing by the Secretary of State of the State of New York on , 19 , and showing the payment of the statutory filing fee. She also submitted a copy of the completed Form 1023, United States Internal Revenue Service tax-exemption application form, which she submitted to the Internal Revenue Service on behalf of the Corporation.

She also presented the original determination letter from the District Director of Internal Revenue, dated 19 , stating that the Corporation is exempt from federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code.

By unanimous vote of all the incorporators present, the Certificate of Incorporation, the Receipt for filing, the tax exemption application, and the tax exemption determination letter were accepted.

The temporary chairman directed that they be annexed to these minutes.

The attorney also delivered to the temporary chairman the following items of the Corporation outfit:

Minute book
Draft of By-laws

The secretary read aloud the proposed By-laws for the regulation and management of the affairs of the Corporation. After discussion of the provisions of the proposed By-laws, the temporary chairman recommended that the proposed By-laws be adopted. Then, on motion duly made and seconded, the proposed By-laws were unanimously accepted and adopted. Those present signed the By-laws as adopted.

The temporary chairman directed that the By-laws be annexed to these minutes.

The temporary chairman then noted that pursuant to the By-laws, the seven incorporators are permanent members of the Corporation. In addition, and are permanent members of the Corporation.

The temporary chairman suggested that the first annual meeting of the members be held immediately after the adjournment of this meeting. This suggestion was unanimously approved by the meeting.

There being no other business before the meeting, the meeting was, upon motion duly made and carried, adjourned at o'clock p.m.

Respectfully submitted,

____
Secretary

Corrected and approved
on , 19 .

____
Chairman of the Board

EXHIBIT C

WAIVER OF NOTICE OF ORGANIZATION MEETING

We, the undersigned, being all of the incorporators of the XYZ Planning Corporation, do hereby severally waive all notice of the time, place, and purpose of the first organization meeting of the incorporators of the said Corporation, and consent that this meeting be held at 7:00 p.m. on , 19 , at New York, and we do further consent to the transaction of any and all business that may properly come before the said meeting.

Dated:

____

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____

____

XYZ PLANNING CORPORATION

MINUTES OF FIRST ANNUAL MEETING OF MEMBERS

____

The first annual meeting of the members of the XYZ Planning Corporation was held at   :   p.m. at   , New York. Present in person were:

____

______________________________________ ______________________________________

______________________________________ ______________________________________

______________________________________ ______________________________________

______________________________________ ______________________________________

These constituted a quorum of the members.

No persons were present by written proxy.

By unanimous vote,   was elected to serve as temporary chairman and   was elected to serve as temporary secretary of the meeting.

The temporary secretary submitted a waiver of notice of this meeting, which was duly signed by all those present. The temporary chairman directed that those absent be contacted and asked to sign this waiver, and directed that the waiver be annexed to these minutes.

The temporary chairman suggested that reading of the minutes of the first organization meeting of the incorporators was unnecessary, since all persons present knew their contents. This suggestion was unanimously approved by the meeting.

The temporary chairman announced that nominations were in order for the election of Directors to replace those who had been named in the Certificate of Incorporation to serve until this meeting. Elections of Directors were conducted. The following persons were unanimously elected as Directors:

The temporary chairman suggested that the first annual meeting of the Directors be held immediately after the adjournment of this meeting. This suggestion was unanimously approved by the meeting.

There being no other business before the meeting, the meeting was, upon motion duly made and carried, adjourned at o'clock p.m.

Respectfully submitted,

Secretary

Corrected, and approved
on , 19 .

Chairman of the Board

WAIVER OF NOTICE OF FIRST ANNUAL MEMBERS' MEETING

We, the undersigned, being all the members of the XYZ Planning Corporation, do hereby severally waive all notice of the time, place, and purpose of the first annual meeting of the members of the said Corporation, and consent that this meeting be held immediately after the incorporators' meeting on 19 , at New York, and we do further consent to the transaction of any and all business that may properly come before the said meeting.

Dated:

EXHIBIT C

XYZ PLANNING CORPORATION

MINUTES OF FIRST ANNUAL MEETING OF DIRECTORS

The first annual meeting of the Directors of the XYZ Planning Corporation was held at p.m. at New York. Present in person were:

____

________________________________ ________________________________

________________________________ ________________________________

________________________________ ________________________________

________________________________ ________________________________

These constituted a quorum of the Directors.

No persons were present by written proxy.

By unanimous vote was elected to serve as temporary chairman and was elected as temporary secretary of the meeting.

The temporary secretary submitted a waiver of notice of this meeting, which was duly signed by all those present. The temporary chairman directed that those absent be contacted and asked to sign this waiver, and directed that the waiver be annexed to these minutes.

The temporary chairman suggested that reading of the minutes of the first annual members' meeting was unnecessary, since all persons present knew their contents. This suggestion was unanimously approved by the meeting.

It was unanimously agreed that, in addition to the offices of Chairman of the Board, Secretary, and Treasurer, the Board would elect a First Vice President, Second Vice President, and Third Vice President.

The following persons were unanimously elected as officers of the Corporation:

, Chairman of the Board

, First Vice President

, Second Vice President

, Third Vice President

, Secretary

, Treasurer

The following motion was duly made, seconded and unanimously passed:

RESOLVED, that the First Vice President be chairman of a Personnel Committee. All members of the Board shall be members of the Personnel Committee. A quorum for the Personnel Committee shall be three. The Personnel Committee shall propose to the entire Board personnel policies and procedures and terms and conditions of employment.

Upon motion duly made and seconded, the following resolution was unanimously passed:

RESOLVED, that attorney, of New York, be retained as counsel to the Corporation, and Project Director of the Corporation, on the following terms and conditions: no payment will be made for her services as attorney or Project Director at present. The Personnel Committee is directed to negotiate with her as to terms and conditions of employment in the future, and to report back to the Board their recommendations for a proposed agreement.

The Board directed the Treasurer to open a bank account for the Corporation with , in New York. The persons specifically authorized to sign checks, pursuant to the By-laws, shall be , Chairman of the Board, , Secretary, , Treasurer, and , Project Director.

The formal corporate resolution and signature card provided by were unanimously approved by the Board, and the Secretary was directed to execute the same, submit one copy to the bank, and affix a copy to these minutes.

The Board further unanimously directed the Treasurer to open a savings account at any savings bank in the Bronx, and to report back to the Board for ratification of the necessary papers.

The Board directed that the four persons authorized to sign checks give a surety bond to the Corporation in the sum of not more than $25,000. The Treasurer is to present the form of such a bond at the next meeting of the Board, for approval. The Corporation is to bear the cost of this bond.

It was unanimously resolved by the Board that the Corporation accept the gift of $5,000 cash from Foundation. It is understood that this gift is contingent upon the receipt by the Corporation of enough other grants so that it can hire a planning staff. The Secretary was to write a letter to the Foundation thanking them for this grant.

The Chairman of the Board directed the attorney to contact the Foundation to request permission to spend part of the contingent grant to pay for a fidelity bond, even before it is clear whether the Corporation will be able to obtain sufficient other funds.

The Chairman of the Board directed the Treasurer to find out about the fees, services, and credentials of accountants, and recommend to the Board at a future meeting which accountant should be employed by the Corporation, on what terms.

There being no other business before the meeting, the meeting adjourned at o'clock p.m.

Respectfully submitted,

____
Secretary

Corrected, and approved
on , 19 .

____
Chairman of the Board

WAIVER OF NOTICE OF FIRST ANNUAL DIRECTORS' MEETING

We, the undersigned, being all the directors of the XYZ Planning Corporation, do hereby severally waive all notice of the time, place, and purpose of the first annual meeting of the Directors of the said Corporation, and consent that this meeting be held immediately after the first annual members' meeting on , 19 , at , New York, and we do further consent to the transaction of any and all business that may properly come before the said meeting.

Dated:

EXHIBIT D

MEMORANDUM

QUESTION PRESENTED: Whether an employee of a day care center may serve on its board of directors.

The General Counsel to the New York City Human Resources Administration has, by memorandum dated February 23, 1971, stated a supposedly pre-existing, but newly articulated, policy of HRA which seeks to prohibit a person from serving on both the staff and the Board of Directors of a publicly financed day care center. The memorandum states that: "HRA's policy on conflict of interest prohibits a person from holding a job in a grantee agency while he or a member of his family serves on that agency's board or committee and where such board or committee has authority to take personnel actions, supervises, or regularly nominates, recommends or screens candidates for the agency (Policy memo dated November 1, 1967)."

The memorandum does not seek to argue the merits of its position, but rather to state the binding force of its conclusion. The reasons given for the decision are that:

a) The duality "could" be deemed to violate the "Sec. 1006(1)a" (sic) of the City Charter which prohibits any "person whose salary is payable in whole or in part from the City Treasury," (i.e. a staff member) to be involved in a business dealing with the City (i.e. be on the Center's board).

(b) HRA "can" adopt stricter rules, by contract, than the law prescribes and it is of no significance that the NPCL might not of itself prescribe the hiring of board members.

(c) The Federal government has such a rule and delegate agencies set up under the Economic Opportunity Act, including Head Start, are under the same interdiction.

A. Discussion of Reason Based on the City Charter

Section 1106 of the City Charter is part of Chapter 49 of the City Charter which deals with Officers and Employees of the City of New York. Employees of a not-for-profit day care corporation, chartered by the State of New York, cannot be considered employees of the City of New York. Moreover, in theory and in practice, the City recognizes that day care center staff members are not its employees. For example: operating funds for a center are deposited to the account of the corporation. As distinct from police, firemen and other City employees with whom the City bargains directly, the City does not bargain directly with day care center employees. There is a union of day care center employees, The American Federation of State, County and Municipal Employees, Community and Social Agencies Employees Union, Local 1707, which bargains with management, represented by the Day Care Council. The City funds the operation of these centers, based on the collective bargaining agreement reached by the union and management.

Moreover, the staff of a day care center does not fall under the specific definition of persons whose actions are proscribed by Sec. 1106. Section 1106 of Chapter 49 is headed: "Conflicts of Interests Prohibited". It reads:

> 1. No council or other officer, employee or person whose salary is payable in whole or in part from the City treasury:
>
> a. shall be or become interested directly or indirectly in any manner whatsoever except by operation of law in any business dealings with the City;

The subjects of the prohibition which is set forth in 1(a) are enumerated in the paragraph numbered (1). Clearly staff members of a day care center are neither "councilmen" nor "officers" nor "employees" of the City. Therefore, if they are not persons whose "salary is payable in whole or in part from the City treasury", the entire section is rendered inapplicable. The prohibition stated in this section cannot come into operation in relation to any person or persons, if these persons do not fall into one of the four subject categories listed.

Staff members of a day care center corporation are paid by the Board of Directors of the center on checks drawn by persons authorized by the day care corporation against a bank account maintained in the name of the center. The fact that the money comes originally from the City is not determinative in this procedure. The staff is clearly not paid "from" the City treasury. To be paid "from" the City treasury, means to be paid by a check drawn by the City, on monies in its account. Therefore, the prohibition stated in Section (a) never becomes operable in relation to these staff members. In the same way, Boeing Aircraft employees are not paid "from" the Federal treasury even though the Federal Government funds a large part of Boeing Aircraft through defense department funds.

Even if day care center employees were covered in the categories of persons listed in Sec. 1106(1), they would still be exempted from the prohibition barring them from "dealings with the City". Day care centers have dealings with the City only because of the operation of law; Title IV of the Federal Social Security Act and the New York State Social Welfare law both require the funding of day care centers. The Conflicts of Interests prohibited by Section 1106 specifically exclude scrutiny of those dealings which arise by the operation of law.

B. Discussion of Reason Based on Adoption of Stricter Rules by Contract.

The second argument of the February 23rd memorandum is that HRA can adopt, by contract, stricter rules than the law prescribes. It is certainly true that two parties to a contract may provide more rigorous standards for behavior than the law demands. However, merely to say "by contract", is to imply that there exists an equality of bargaining position, and an equality of power out of which came a negotiated agreement. This is not the case. The condition imposed by HRA is produced by fiat, and embodied in a contract which can be rejected only by also rejecting the funding that the contract secures.

C. Discussion of Reason Based on Comparable Federal Rule.

The last argument of the memorandum is that the Federal Government has a comparable rule. This statement, whether seeking to establish a precedent or to operate by analogy, has no binding force as an argument for State policies. This State, and this City in particular, have always attempted to establish their own administrative policies, best suited to the needs of their residents.

D. General Discussion of Problem of Conflict of Interest.

All corporations are concerned with setting up a governing structure which will be most able to evaluate alternatives and make decisions which are of maximum benefit to the corporation. The object is to prevent wrong decisions which are made not to benefit the corporation, in this case the day care center, but rather to benefit an individual or group of individuals.

Specifically, it may be assumed that the HRA ruling seeks to prevent unqualified and unsuitable people from being hired as staff, simply because they have the votes to accomplish this. That would be the only possible conflict that could arise since there is no income to distribute and no stock votes to manipulate. The way to prevent bad staff hiring, is not to establish a broad rule which prevents the possibility of conflict from ever being presented, but rather to establish a set of guidelines which help prevent bad decisions from being made.

There is a more effective, albeit more complex, procedure for preventing bad decisions. It is the procedure used by most corporations, public and private, and is in line with good business practice and developed corporate law. The procedure is simply a combination of safeguards: full disclosure on the part of the interested director, and his abstension from the particular vote in question, combined with, at the least, a rule which prohibits more than a fixed percentage of the Board from also being employees. In addition, there could be a fixed rule that there be a personnel committee and that the Board-staff member could not be a member of the personnel committee which would be responsible for the initial interviewing and recommendation. This is, of course, the kind of protective formula applied by Boeing and General Motors, to name two corporations where employees are also members of the Board. Certainly, a critical examination of major corporate structures would show that representatives of all management teams, who are clearly employees of the corporation, are on the Board of Directors; their conflicts are recognized and evaluated in discussions and in voting.

To rule out the possibility of staff members also being members of the Board of a day care corporation, is to make a rule which ignores the particular history of the development of day care in New York City. Most day care centers, until quite recently, were run by settlement houses or philanthropic boards, the members of which were clearly not interested in being employed as staff. Therefore, until recently, the problem did not exist. There are, of course, a number of centers - among the most effective in the City - who have always functioned excellently with some staff members serving as members of the Board.

Within the last two years, spurred on by the New York City Direct Lease Plan, the New York State Youth Facilities Improvement Act, and by the Interim Funding Program, a new day care constituency has come into existence: the parent-community Board day care corporations. One can only assume that HRA's new ruling is in response to and an effort to deal with these new groups.

Most of the community day care groups developed in one of two ways. Some developed from a coalition of interested parents and community people who did enormous amounts of detailed and difficult work and planning and then actually received funding to operate. Others began as unfunded, volunteer operated centers which, after varying periods of struggle, received City money to continue to do, and to improve, what they were in fact doing. In either case it is likely that a proportion of the dynamic and active leadership of the group assumed it would be employed as staff. To force a choice between leadership and salary will most likely result in people deciding to select a staff position, which will leave a leadership vacuum on the Board of Directors.

The total separation of Board and staff creates another series of problems, aside from creating the fertile ground for a community power struggle. It creates a division between staff and board, furthering the artificial importation of management labor concepts into what should be cooperative community efforts. Community Boards are less likely to be composed of professional people than the usual day care Board. Therefore it becomes essential that the training and experience that the staff receives as part of its job be transmitted, in as large a part as possible, to the thinking and operations of the Board. The most effective way is to have some staff on the Board. Having staff on the Board will also help to limit the possibility of growing differences in perspective, and an ever-expanding separation based on those differences. The Board will be less likely to make decisions which do not take into account staff development, training and progress, if they understand completely what these concepts are.

This is not to say that there ought not to be definitive and rigorous guidelines governing the percentage and place of staff members on the Board. It may be reasonable to say that a) only one third of the Board may also be staff; b) these members may not serve on the personnel committee or vote on personnel appointments. In addition, it may be necessary to prohibit flatly the Director of a center from being also the chairman of the Board, or to prohibit the Chairman of the Board from being a staff member in any capacity.

What is important is to balance the problems of power, effective decision making and effective governance and supervision against the problem of including in the deliberating body the people with the most commitment to and the most knowledge about the day care center.

APPENDIX D

HUMAN RESOURCES ADMINISTRATION
220 Church Street
New York, New York 10013

MEMORANDUM

September 7, 1971

TO: Boards of Directors and Directors
of Child Development Centers

FROM: Georgia L. McMurray, Commissioner
Agency for Child Development

RE: Clarification of ACD Policy on
Conflict of Interest

We have received a number of inquiries concerning the effect of the conflict of interest policy dated August 9, 1971 in individual employment situations. The purpose of this memo is to explain the basis of this policy and to clarify present and future employment requirements.

It has been a longstanding policy of the Human Resources Administration that there be a clear separation between those who determine policies in connection with Agency programs and those who have personal financial interests in the program. Besides preventing abuses, this policy assures, for all segments of the community, continued access to the program's services, staff positions and Board membership.

Contrary to the best interests of children and their communities, there are instances in which day care center Boards of Directors are in fact selecting themselves and their relatives for staff positions. This has created a climate in which day care centers are seen as belonging to a few individuals in the community, resulting in exclusion of parents and other people in the community from using the center's services, applying for staff positions, and participating on the Board of Directors.

In order to rectify these abuses, the ACD conflict of interest policy has been released. It is expected that the policy will be reviewed by the Child Development Commission when it is selected.

The ACD policy on conflict of interest applies to all persons hired on or after September 15, 1971. So that no persons who were hired prior to this date are forced to lose their jobs, the following are applicable:

1) A staff member serving on a center's Board of Directors or on any committee with authority to order personnel actions affecting his or her job or on a committee that regularly nominates, recommends, or screens staff candidates, must choose between these conflicting interests and resign one position.

2) In those situations in which a staff member has a member of his or her immediate family on the Board, both may retain their positions. Any Board or committee selection of a family member on or after September 15th is prohibited.

3) Any person who has a job in a center who was hired before September 15th and is supervised by a member of his or her immediate family, may retain his or her position.

If you have any other questions regarding the **conflict of** interest rules, please contact Karla Moskowitz, Associate Counsel, HRA, 220 Church Street, Room 635, New York, New York 10013, telephone number 433-4832.

PART TEN

WRITING BY-LAWS FOR A
DAY CARE CENTER CORPORATION

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Bank Street Day Care
Consultation Service

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I. HOW TO THINK ABOUT BY-LAWS

A. Why Does a Day Care Center Need By-Laws?

Under the regulations of the New York City Department of Social Services and the New York State Board of Social Welfare, every day care center receiving public funds must be incorporated as a not-for-profit corporation. Once a center is incorporated, the New York State Not-for-Profit Corporation Law requires that the corporation have By-Laws. Also, the Internal Revenue Service requires that a center have by-laws before they can become tax exempt.

That is the legal requirement. But more importantly, in order for a day care center to function smoothly and efficiently, in order for it to make binding decisions and then be able to turn these decisions into action, it must have rules and procedures. These rules and procedures are called By-Laws.

B. What are By-Laws?

By-laws are very simply rules for the operation of the group.

The By-Laws:

1. state who has the power to make what kinds of decisions, and

2. set forth the rules that must be followed in reaching decisions.

They explain how the day care center is run and by whom. They explain who has the power to make decisions about the day care center and how these decisions can be made so that they are binding and not open to attack at a later time.

Essentially, they divide power and set rules for the exercise of that power so that everyone inside and outside the day care center knows who can speak and act for the center.

C. How Can a Day Care Center Go About Writing By-Laws?

Writing by-laws is easy. Any lawyer can sit down with the proper information and put that information in the form of by-laws which are clear, precise and in compliance with state law. It is the step before - getting the right information to the lawyer - that is more difficult.

In order for the group to get the information to the lawyer, it must think about and then decide who shall have the power to make decisions and how the procedures for decision-making will operate.

Completed by-laws usually look complicated and rather intimidating, which may account for the impulse to find a set done by someone else and merely adopt them. This is a mistake. No by-laws of any one group could ever be exactly suited to the needs and peculiar circumstances of another group. Any other day care center may have similar problems and similar goals, but no two groups are ever identical. Do not adopt a set of by-laws without thinking through and understanding what each by-law means for your group!

D. What Decisions Must Be Made about By-Laws?

Two lists are included at the end of this discussion.

The first is a list of the most important decisions which must be made by a community day care group when planning to write by-laws.

The second is a checklist for the lawyer who will put your by-laws into the form required by law.

E. What Should Be Accomplished by These Decisions About By-Laws?

1. By-laws are the rules for the operation of the center.

If the by-laws have been thoughtfully discussed, they will answer the two big questions about the operation of the day care center. They will answer the questions:

Who has power?

How will that power work?

Once a group has decided these questions and the decisions get written into the by-laws, they become the "official" rules by which the day care center corporation operates, and must be followed by your group. The by-laws are considered to have the force of law in running your day care center.

Therefore, it is important for the by-laws to contain a provision stating how the by-laws can be changed if they don't work well in practice.

2. By-laws set forth the rules to deal with conflicts.

At the beginning of a day care center the climate is likely to be warm and friendly. People have worked together to build something. They understand why and how they are together and they probably share common goals.

As the center grows and as differences in approach become clear, disagreements are more likely to arise. Well thought-out by-laws can prevent these disagreements from immobilizing the group, because the by-laws clearly set forth who can take action in operating the center even if there are disagreements.

3. By-laws are protection for those people in the corporation making decisions.

By-laws are your way of protection. If they are thorough and complete they insure that everyone who is a member of the Corporation and everyone doing business with the Corporation knows that once proper action has been taken by the Directors and Members, others may base further action on it. For instance, if the directors have been properly elected by a properly selected and voting membership, and the Directors at a proper meeting by the proper vote have hired an educational director, that person can go ahead and assume that she is hired.

If all steps were properly done, no member of the Board of Directors who happened to be absent at the meeting at which the educational director was hired could suddenly appear and challenge the action, or help mobilize members to challenge it. The educational director could start to work according to the terms of the contract governing his or her employment.

In the same way, the by-laws are a form of protection for those people authorized to spend the money of the Corporation, as well as protection against the misuse of funds. The by-laws should answer such questions as:

- Who makes decisions on how money is spent?
- Who is authorized to sign checks?
- Who is responsible for keeping track of how the money is spent?

II. OUTLINE OF DECISIONS TO BE MADE ABOUT BY-LAWS BY THE GROUP SPONSORING THE CENTER

The State of New York requires that every corporation have a set of by-laws, and that the corporation operate in accordance with its own by-laws. In a very practical way, by-laws serve as a sort of constitution for your corporation. They make it clear who has the right to speak and act for the corporation, what they may do, and how they may do it. By-laws look and sound very complicated, and usually a lawyer is the best person to actually write out the by-laws in proper legal terms. But your lawyer cannot write any by-laws unless your group has told him what they want in them. The only proper way to set by-laws for your corporation is to sit down and decide how you are going to operate, and then give your lawyer clear and detailed instructions on what you want included in your by-laws.

This questionnaire is designed to help your group discuss some of the important issues you need to decide in setting by-laws for your corporation. Of course, it isnot a complete list, and there may be many other things you will want to add. When you have decided these issues, you could use this outline as a way of instructing your lawyer in what by-laws you want him to write for you.

Before you begin using this outline, there is one important and complicated point which you need to understand - the difference between the Membership of a corporation, and the members of the Board of Directors of a corporation. Most community groups choose to have both members of the corporation and members of the Board, because having members of the corporation gives an organization a broader and more democratic base in the community. The membership of a corporation is usually a large group of people - sometimes several hundred - who meet only once or a few times a year. The members in effect "own" the corporation. Their major responsibilities are usually to elect the Board of Directors of the corporation and to adopt and revise by-laws, though they may have other powers besides.

The Board of Directors of the corporation is a smaller group of people, usually not more than 20 or 25 at most. They meet regularly and frequently during the year, and make most of the decisions about how the organization will operate. The Chairman of the Board of Directors is the official head of the corporation. The important thing to remember is that a member of the corporation is not the same as a member of the Board of Directors even though one person may have both roles. Members of the corporation and members of the board have separate and distinct responsibilities and powers.

The first section of this outline talks about the by-laws which apply to members of the corporation. The second part talks about the by-laws which apply to members of the Board of Directors and officers of the corporation. Section three discusses the relationship between the corporation and the paid staff members.

Section 1. - Membership

A. Who are the Members of your corporation going to be?

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In this by-law you are deciding who will control your corporation. If you set too small a group of people, your corporation may become undemocratically controlled by small cliques. If you make the membership too large, you may be including people who are not really interested in your program, or you may find your corporation being pulled into neighborhood political battles which have nothing to do with your program. Here are some suggestions for membership: The list of Members might be all parents of children in your day care center; or--all the parents plus the staff; or--all parents, all staff and any people from your neighborhood who are interested in the center; or--anyone who asks to join your organization and is voted in by the other members.

B. How do the Members get to be Members?

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(Some suggestions again:

- If all parents are to be members, then you can say that they become members automatically when their children begin attending,

or

- If staff are to be members, then you can say they become members automatically when they begin working in the center,

or

- If anyone can join your organization and become a member of your corporation, then how do they do it--by writing you a letter, or signing a card, or paying dues? How?)

C. How long do members keep on being members?

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(For parents or staff members, the answer to this one can be simple: as long as they are still parents or staff. For other people you need to specify. For example:

- one year, or
- two years, or
- as long as they pay dues, or
- whatever you think.)

D. What are the powers of the members? That is, what things can be decided at members' meetings?

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(Usually, members have two major responsibilities: electing the Board of Directors of the center and adopting and revising by-laws. But you may give them other responsibilities if you wish. For example, your by-laws can state that the members have the power to make such important decisions as a move to a new building or a substantial change in the center's educational program.

If you give the membership many different powers, your organization will be more democratic and less able to be controlled by a small group. But it will also be slower and less efficient, since important decisions will have to wait until a full membership meeting is called to decide them. You must decide what the best balance is for your corporation.)

E. What is the least number of times the members should have a meeting in a year?

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(The members can meet as often as they want to--every day if they have the energy. But the by-laws must specify the minimum number of times they must meet in a year. For instance:

- the law says they must meet once a year, or
- they could meet once every four months

Be careful not to set too many meetings here. If it's in the by-laws, they have to do it.

F. How many members must be present for a members' meeting to be official, to be able to do business? That is, what is a "quorum" of members.

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(The size of the quorum depends on the total number of members you have. If there are only twenty or thirty of them, and you think you can get most of them to a meeting, you might make the quorum half or even two-thirds of the members.

If you have hundreds of members, you might set the quorum quite low, at 20% of thememembers or even 10%.
*This is important. No meeting of the members can begin until the quorum you write down here is present.)

G. Who can call a meeting of the members?

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(The power to call the meeting is very important. If you allow only one, or two people to call meetings, they can prevent meetings from taking place except at the times you have specified in By-Law E, above. On the other hand, if you give the power to too many people, they may call meetings too often. Again, you must find the balance which seems best for your organization.

For example:

- the Education Director of the Center, or
- the Chairman of the Board of Directors or
- any member, or
- some percentage (10%?, 25%?) of all members, or
- all of these people?)

H. Who chairs the meeting of the members?

(Suggestion: the chairman of the Board of Directors often does this, but you may name someone else here. For example, the members might want to elect a chairman from among the membership.)

I. How many votes are needed to pass a motion at a members' meeting?

(Is a simple majority - one half of the members present plus one - enough to pass a motion, or do you need more - three-fifths of the members present, or two-thirds? You could also specify that more than a majority vote is needed for specific major items of business, such as removing officers or directors, changing by-laws, etc. Any items not so specified would only need a simple majority for passage.)

Once the incorporators of your day care center have passed these by-laws, your group must follow them, or change them. So your last by-law in this first section should specify how these by-laws can be changed. So. . . .

J. Who can change these by-laws?

(Unless you specify here that only the membership can change these by-laws, then either the membership or the Board of Directors can change them.

This is very important. Whoever has the power to change these by-laws can change them and write new ones in their own interest: for instance, a Board of Directors could change the by-laws on how they are elected, how long they serve, or anything else, unless you limit their powers here.)

192.

K. By what vote can these by-laws be changed?

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(Suggestion: usually a larger vote than usual is required to change a by-law. For instance:

- If majority vote is all that is usually required to pass a resolution, you might require a two-thirds vote of all members present to change one of these by-laws, or
- you might require two votes in two successive meetings of the members before one of these by-laws can be changed.)

Section 2 - Board of Directors

The Board of Directors of a corporation makes most of the decisions about how the organization will operate; in other words, all the business of the corporation which you have not specifically assigned to the membership in By-Law IA above. The Board is responsible only to the membership of the corporation, which elects them.

A. Who is eligible to be a member of your Board of Directors?

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(State Law only says that Board members must be nineteen years old. Members of the corporation can elect Richard Nixon, Eldridge Cleaver or Fidel Castro to their Board of Directors if they want to. But usually the by-laws specify who is eligible. For instance:

- only members of the corporation are eligible for the Board of Directors, or
- only parents are eligible, or
- anyone who lives in your community is eligible: in this case, you have to define community - what are its boundaries? or
- anything you want.)

B. How many members of the Board of Directors are there?

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(The City requires at least ten. Suggestion: between nine and nineteen seems to be a good size for talking and deciding, but you can have as many as you think best. Some organizations have fifty or more board members!)

C. How are the members of the Board of Directors selected?

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(Here, you can be as simple or as complicated as you want. To keep it simple, you could just say they are elected once a year at a meeting of the members. To complicate it, you can specify exactly how people are to be nominated for the Board, how the vote is to be taken - by secret ballot? - and so on.)

D. How long do Board members serve on the Board?

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(Usually one, two, or three years. You may want to "stagger" the terms, so only part of the Board is elected each year. This gives the Board more stability and continuity.)

E. May Board members serve two or more terms in a row? If not, say so here.

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(Limiting the number of terms a board member may serve is one important way of keeping a Board of Directors from becoming a permanent clique.)

F. How are Board members who resign during the year replaced?

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(Here are some alternatives:

- the other Board members elect a temporary replacement, who serves until the next membership meeting, or
- the Board calls an emergency membership meeting, to have the membership elect a replacement immediately, or
- the membership of the corporation, when they elect Board members, also elect substitutes who automatically become Board members if regular members drop out.)

G. Can Board Members be removed from the Board of Directors before their term is over? If so, how?

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(Sometimes a corporation allows the Membership to remove Board members before their term is over, at the annual meeting or at a special meeting of the Membership called in the way you have specified above, in Section 1, F-H.

Also, you may want to permit a member of the Board to be removed if he fails to attend meetings regularly without a good reason. If so, you need to state here how many meetings a Board member can miss, and how he will be informed of his removal if he misses too many - usually be letter, approved by the Board and signed by the Board Chairman.)

H. What is the minimum number of times the Board should meet?

(Be careful here, as in by-laws above. If you set the meetings too often, they will still have to do it.)

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I. How are meetings of the Board of Directors called?

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(Usually they are called by written notice, mailed to each Board member at least several days before the meeting, but you may want to set up some other system. You also need to decide who can call a meeting if the Board itself has not set the time and place at the previous Board meeting. Can the Board Chairman call a meeting, or any individual Board member?)

J. What is a quorum for a Board of Directors meeting?

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(Usually at least half the Board members must be present before business can begin, but you can set the quorum at whatever level you think best here. However, if your Board has 15 members or less the law says that at least one-third of them must be present before business can begin.)

K. Is a simple majority (one half the Board members present plus one) enough to pass a motion in the Board of Directors?

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(Don't forget, if you say a simple majority here, you mean a majority of the quorum you have just set in By-Law J, above, and not a majority of all the Board members. Therefore, if you have 13 Board members and 7 is a quorum, if only 7 are present a vote by 4 of them can pass a motion.)

L. Are there any regular committees of the Board? If so, how are they formed?

(It is not necessary to specify any committees here in the by-laws, but if you don't say here how they are to be set up, and for what, and for how long, then the Board can set them up any way they think best. It is also possible to specify here that there will not be any committees at all, although most groups want to have them.)

M. Are there any regular reports which the Board of Directors should ask for from the paid staff during the year?

(The Board can do this, of course, whether the by-laws specify it or not. But you may want to require certain reports here. For instance:

- an annual financial report from the accountant
- quarterly statements of income and expenditure from the bookkeeper
- evaluation reports on each staff member from the staff director, once or twice a year
- evaluation of the program from staff, or from a special committee of parents, or of parents and staff
- anything else you think important)

N. What officers does the Corporation have?

(Chairman, Vice-Chairman, Treasurer, Secretary, others? Note: the officers can be given alternative titles such as President, Vice-President, etc.)

O. How are these officers elected?

(Usually they are elected by the Board members at their first meeting, but some groups prefer to elect these officers at the Membership meeting. The officers do not have to be members of the Board of Directors; they can be members of the Corporation or even paid staff members.)

P. How long do they serve?

(One year, two, three years or what?)

Q. How may officers of the Corporation be removed before their term ends?

(Usually they can only be removed before their term ends by the same people who elected them.)

R. How may officers be replaced if they resign or are removed before the end of their term?

S. What is the power of the Chairman (President) of the Corporation?

(In most groups, the Chairman (President) presides over all meetings. Also, the Chairman usually has the authority to sign legal documents in behalf of the corporation - as long as the Board has approved the contract or document. But you may give the Chairman other powers too, if you want.)

T. What are the powers of the Vice Chairman?

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(Usually the Vice Chairman's main responsibility is to act as Chairman when the Chairman is not present, but you may want to add some other special job for each of the Vice Chairmen.)

U. What are the responsibilities of the Secretary?

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(The Secretary is usually responsible for all written records of the corporation, especially the minutes of meetings, the official notices of meetings of the Board and of the Membership, and other official correspondence from the Board. This does not mean that the Board Secretary needs to do the actual writing and paper work - that can be done by a paid clerk or secretary. But the Secretary is responsible for seeing that these things are done.)

V. What are the responsibilities of the Treasurer?

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(The Treasurer is usually responsible for all financial records, and for signing financial statements and reports for the Board. Of course, a Treasurer does not actually keep the books or audit them - this is almost always done by paid employees and accountants.)

W. How may the By-Laws in this part (Section 2) be changed?

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(As in Section 1, it is important that you say how these by-laws can be changed. You must follow them, whether they work out well or not, until you change them.

Here are some suggestions:

- These by-laws may only be changed by the Membership in a Membership meeting, just like the other by-laws Section 1. See Section 1, or
- These by-laws may be changed by the Board of Directors itself, but only under special procedures: more than a majority vote, or with a larger quorum than usual, or with a vote in two or three meetings in a row, or
- You can specify who can change specific by-laws. For example, you could specify that the Board cannot amend the by-laws to abolish members of the corporation.
- These by-laws can be changed by a regular vote of the Board of Directors, or
- Any other method you think best.)

Of course, there are many other by-laws which you can write if you want to. As your organization continues, you may want to add more by-laws as you need them. The questions this list raises are only meant to get you started thinking about the most basic and important by-laws you will need at the beginning.

Section 3 - The Relationship Between the Corporation and the Paid Staff Members

The members and the Board of Direcors of the corporation are the people who set policy for the center and make all major decisions as to how the center will be run. However, there are many day-to-day decisions that need to be made, as well as a great deal of work to be done, in order for the policy of the center to be carried out. This work is divided between the Board of Directors and the paid staff.

The way in which the work is divided varies from center to center, and may depend on a variety of factors, for example:

- the amount of time people on the Board have;
- the amount of authority the Board wants to give to paid staff members;
- the skills and interests of Board members as well as staff members.

Some boards make all the day-to-day decisions about how the center is run, who can work there, and so on--in other words, all the business of the corporation which has not been specifically assigned to the membership in By-Law I-A above. Other boards of directors delegate the major responsibility for the day-to-day operation of the center, including the hiring of staff, to a paid staff member (usually referred to as the Administrative or Educational Director of the center).

In most centers, however, the Board of Directors wants the paid director to have certain responsibilities and will give him or her the authority to carry them out. By the same token, the Board may wish to keep certain powers for itself. A good example is the hiring of the staff. Some boards will leave all staff hiring to the paid Educational or Administrative Director. Other boards want to do all the hiring themselves. In most centers, a procedure for hiring is worked out that involves both the Board and the paid Director.

Although your by-laws need not spell out the specific responsibilities of your paid Director, it is probably a good idea to do so. There is less likelihood of confoict in your center if everyone connected with the center knows exactly what his or her powers and responsibilities are. For example, the by-laws could state that the paid Director has the responsibility for contacting, interviewing and recommending possible staff members, but that the Board makes the final decision on whether a person is actually hired. On the other hand, the by-laws could state that the paid Director has the actual authority to hire people.

Another example: what is the role of the Treasurer of the Corporation? In some centers, the Treasurer is responsible only for keeping track of the money that the Corporation has raised on its own and keeps in a separate bank account from Department of Social Services funds. If that is the case, then the paid Director should be given the responsibility of seeing that the **ACD** money is being properly spent and that proper records are being kept by the bookkeeper. In some centers, however, the by-laws state that the Treasurer has the responsibility for seeing that ACD money is properly spent and that the books are being kept properly

If your by-laws do give responsibility and authority to the paid Director, then the by-laws should also spell out how and under what circumstances that authority can be revoked.

Below are some more examples of the kinds of issues that will come up in a day care center, and which you may want to have spelled out in your by-laws:

- Who has the power to fire paid staff, under what circumstances, and by what procedure?
- How are grievances handled?
    - Do you want the by-laws to spell out a policy for handling parent grievances?
-
    - Do you want your by-laws to state that the day care center must have written personnel policies for the paid staff?
- Who defines the duties of the rest of the staff - the paid Director or the Board? And should these be spelled out in the by-laws?

III. CHECKLIST FOR LAWYERS

This is a checklist for lawyers. It is not meant to be a comprehensive guide to be used in actually writing the by-laws for a day care corporation under the New York State Not-for-Profit Corporation Law. It is meant to alert the attorney to any decisions which should have been made by the group and were not. Exhibit B of Part Nine contains a sample set of by-laws.

The community day care group, in its discussion of the questions listed in part II, will have chosen positions on most of the alternatives presented by the law, and reflected in this checklist.

Any items on this list which have not been dealt with by the group can be presented to them for their consideration. Most of these items will be minor points which should not be difficult to decide once the basic decisions have been made.

Our bias is that any decision permitted by the law should be made by the group and not by the attorney. The attorney's role is one of interpreter and draftsman. How alternatives may work in practice, and which may be most suitable for the group, is information which the attorney should be able to provide to the group to guide their decision. Once all the decisions have been made, he or she will be able to draft by-laws appropriate for the group.

Please note that this list of questions sets forth generally what the group may choose to do in the by-laws. If the alternative in the checklist is not chosen, then the procedure stated in the law automatically governs. Thus any lack of decision on any of these points is equal to a decision that the alternative stated in the law will govern.

All references are to the New York State Not-for-Profit Corporation Law.

Members

1. The by-laws must specify whether the corporation will have members, and if so, how many classes of members. (Sec. 601-a,b)

2. The designation and characteristics of each class, and the qualification and rights of, and limitations upon, the members of each class must be set forth in the certificate of incorporation, the by-laws, or if the by-laws so provide, a resolution of the board. (Sec. 601-b, Sec. 616)

3. Membership must be shown in a manner prescribed by the Statute. (Sec. 601-c)

4. The manner of termination of membership must be provided for. (Sec. 601-e)

5. The by-laws should specify who has the power to amend the by-laws. (Sec. 602)

6. The by-laws must set a date for the annual meeting of the members. (Sec. 603-b)

7. The by-laws may spell out who can call special meetings of the members. (Sec. 603-c)

8. Unless otherwise specified in the by-laws, a quorum exists at a meeting of the members when members entitled to cast a majority of the total number of votes at such a meeting are present. (Sec. 608-a) The by-laws, however, may provide for a greater or lesser quorum. (Sec. 608-b, 615)

9. The by-laws may specify that voting by proxy is not permitted. (Sec. 609-a)

10. The by-laws may provide for a date as the record date for determining in advance who is entitled to notice of meetings and who is entitled to vote at such meeting. (Sec. 612)

11. The by-laws may provide that the members of any class shall not be entitled to vote. (Sec. 612)

12. The by-laws may specify the percentage of the vote at a membership meeting necessary to elect the Board of Directors. (Sec. 613a, 615)

13. The by-laws may specify the percentage of the vote at a meeting of the members necessary to transact business other than the election of a Board of Directors. (Sec. 613-b, 615)

14. The by-laws may provide for cumulative voting. (Sec. 617)

Directors and Officers

1. The by-laws may fix the number of directors of the corporation, with a minimum number of ten. (Sec. 702-a)

2. The by-laws may provide for an increase or decrease of the number of directors by either the members or the directors. (Sec. 702-b, 1,2)

3. The by-laws shall provide for the election of directors and their term of office, and may also provide for alternates for each director. (Sec. 703)

4. The by-laws may provide for classification of directors. (Sec. 704)

5. The by-laws may specify that newly created directorships and vacancies may be filled by the members. (Sec. 705-a)

6. The by-laws may provide that any or all of the directors may be removed without cause by a vote of the members (Sec. 706-b), subject to the limitations set forth in Sec. 706-c.

7. The by-laws may fix a quorum of the directors at less than a majority of the entire board, subject to the limitations of this section. (Sec. 707)

8. The by-laws may fix a quorum of the directors at more than a majority of the entire board. (Sec. 709)

9. The by-laws may specify that a larger proportion (e.g. more than a simple majority of those present at a board meeting) of votes of directors shall be necessary for the transaction of business or any specified item of business. (Sec. 709-a)

10. The by-laws may fix the time and place for holding meetings of the board of directors. (Sec. 710)

11. The by-laws may specify that notice of meetings of the board must be given. Notice need not be given if the time and place of such meetings are fixed by the by-laws. (Sec. 711-a)

12. The by-laws may prescribe what shall constitute notice of meeting of the board. (Sec. 711-b)

13. The by-laws may provide that notice of any adjournment of a meeting of the board to another time and place be given to directors not present at the time of the adjournment, and (unless such time and place was announced at the meeting) to other directors. (Sec. 711-d)

14. The by-laws may authorize the board to designate an executive committee and other standing committees, each consisting of three or more directors. Such committees shall have all the authority of the board, subject to the limitations in this section. (Sec. 712-a)

15. The by-laws may provide for the creation of special committees of the board. (Sec. 712-c)

16. The by-laws may provide for officers of the corporation. (Sec. 713)

17. The by-laws may prescribe how the officers are elected or appointed. (Sec. 713-a,b)

18. The by-laws may provide for the length of the officers' terms in office. (Sec. 713-c)

19. The by-laws may spell out the authority and responsibilities of the officers. (Sec. 713-e)

note: See Sec. 714 for Removal of Officers.

PART ELEVEN

GETTING TAX-EXEMPT STATUS FOR YOUR DAY CARE CENTER

Deborah Morse
Community Law Offices

PART ELEVEN. GETTING TAX-EXEMPT STATUS FOR A DAY CARE CENTER

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I. FEDERAL TAX EXEMPTION OF DAY CARE CENTERS

A. Advantages of Acquiring Federal Tax Exemption.

There are two basic types of tax-exempt organizations under federal income tax law. One includes a wide variety of organizations such as civic leagues, social welfare organizations, chambers of commerce, clubs, credit unions, and similar groups, which are generally operated on a non-profit basis for the benefit of their members or the community. These organizations may obtain an exemption from payment of any tax on the income they earn or receive. A second type of tax-exempt organization is composed of non-profit corporations or other entities which are organized and operated exclusively for "religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals." These groups, referred to generally in the following discussion as "charitable organizations," are also exempt from paying federal income taxes; moreover, contributions made to them qualify as charitable contributions which are tax deductible by the contributors.

It is clearly desirable for a day care center to obtain at least the first type of tax exemption to avoid having to pay income taxes on the fees it charges for its services and on any amounts which it may obtain through fund-raising activities such as fairs, benefits, food sales, and the like. The additional advantages of qualifying as a tax-exempt charitable organization may also be very useful for a day care center. If a center expects or hopes to receive support from sources such as gifts from individuals or contributions of money or goods by community businesses, the prospect that such contributions will be tax-deductible for the donors may considerably encourage their generosity. Moreover, because of various new provisions of the tax law, a day care center is likely to be more successful in obtaining grants from foundations if it is a charitable organization. Consequently, a day care center which meets the requirements of a charitable organization should ordinarily apply for that type of exemption.

B. Requirements of exemption as a charitable organization.

The primary requirements for qualification as a charitable organization are that the applicant be organized and operated exclusively for one or more of the requisite "religious, charitable, scientific, literary, or educational," or prevention of cruelty, purposes, and not for the private gain of particular individuals, and that it not be an "action organization," that is, one whose activities are to any significant degree directed at influencing legislation through propaganda or otherwise or one which takes any part in political campaigns.

1. Exempt purposes. A day care center will ordinarly qualify for exemption primarily as a "charitable" purposes organization and should apply for exemption as such. (See the first unnumbered section and section 10(h) of the Form 1023 reproduced below.) In addition, particular centers may also be qualified to apply for exemption as "scientific" or "educational" organizations. "Charitable purposes" as a legal term covers a very broad variety of functions which are of general benefit to the welfare of the community. The Internal Revenue Service has ruled that a non-profit day care center for young children of needy working parents which depends on public support qualifies as a charitable organization even though it charges nominal fees for its services. Thus, as long as a day care center is operated to serve primarily the children of low income families at little or no cost to those families it should qualify under the charitable purposes category of exemption. If a day care center also provides conventional educational programs for its children, conducting regularly scheduled classes with a continuing staff of teachers, or if it plans discussion groups, public lectures, or similar instructional programs for members of the community, it may well qualify as an "educational" purposes organization. Finally, it is possible that a day care center might be eligible for a "scientific" purposes exemption if, for example, it planned to undertake various research projects or studies related to the children or community it served.

A day care center will not be entitled to exemption as a charitable organization unless its articles of incorporation limit its purpose to one or more of the qualified exempt purposes, even if it is actually operated only for such purposes. Consequently, the articles of incorporation of a center should define with reasonable specificity what activities it may engage in, and should not contain broad phrases allowing the corporation to undertake general unspecified activities or be operated for "any other purposes" in addition to those stated, although a general clause permitting "other charitable purposes" is acceptable.

2. Action Organizations. An action organization is one which either (a) directly or indirectly participates or intervenes in any national, state or local campaign for an elective public office, either by supporting or opposing any candidate for such an office, or (b) devotes more than an insubstantial amount of its activities towards proposing, supporting or opposing any sort of legislation, local, state or national. The prohibition

against intervening in political campaigns is absolute, while attempts to influence legislation are permissible if they compose a very minor part of the organization's functions. However, because the precise line between insubstantial and substantial legislative activities is often far from clear, and since crossing that line into substantial legislative or "propaganda" activities may result in the denial or revocation an organization's tax exemption, a day care center which has applied for or received a charitable organization exemption should be careful to avoid such activities to the greatest extent possible. Additionally, it should endeavor to assure that it is clearly disassociated from any political campaign or legislation propaganda activities on the part of its members, employees, or the community it serves. Thus, any such activities carried out by a day care center's employees should be on their own time, not during normal working hours; persons associated with a center should clearly be acting as individuals, rather than as spokesmen or representatives of the center, when engaging in such activities; and the center should not permit the use of its name, supplies or facilities in any campaigning or lobbying.

Federal tax law contains a number of additional requirements and limitations on the activities and finances of charitable organizations which are "private foundations," basically, those which receive most of their support in the form of disproportionately large contributions from a few individuals or other organizations. An organization which receives a substantial amount of its income from relatively small individual gifts or grants, or from government support, is a "publicly supported" organization and not a private foundation. Since a day care center will ordinarily receive most of its income from government funds, it is unlikely that it could qualify as a private foundation and the complex tax provisions dealing with such organizations are thus not covered here. However, if a day care center does in any year or years of its operation receive grants from other charitable organizations, foundations or individuals which make up a significant percentage of the center's total support, it should obtain legal advice about its possible qualification as a private foundation. Similarly, a day care center planning corporation which is supported primarily by one or a few grants from other organizations and which wishes to obtain a tax exemption should obtain legal assistance in determining whether it is a private foundation and, if so, whether it constitutes a "private operating foundation." If an organization wishes to obtain a more detailed explanation of these terms and their application, the Community Law Offices can provide some helpful material - (Phone: 369-2007).

C. Application for Tax Exemption.

In order to obtain an exemption as a charitable organization, a day care center must file a Form 1023 application for exemption. Under temporary regulations now in effect, the application would be filed within one year from the end of the month in which the center was organized. If a tax-exempt day care center reincorporates under a different law, or significantly changes its structure or purposes or form of organization, it must file a new application for exemption. Thus, while a simple change in the name or address of a day care center will not necessitate a new exemption application, a planning or development corporation for a day care center and the day care center itself would ordinarily require separate exemption applications if both wished to be tax-exempt.

To apply for tax exemption, a day care center must submit a completed Form 1023 and certain statements required by the Form, both in duplicate, and two copies ofits articles of incorporation and by-laws, to the District Director of the Internal Revenue District in which the center is located. A sample Form 1023 is reproduced below, along with a copy of the official instructions on completing it.

In addition to the information requested by the Form, a statement should be submitted, signed by the principal officer of the center, to the following effect:

> Most of the receipts of the XYZ Day Care Center now consist, and will in the future, consist of support from governmental units. Consequently, the XYZ Day Care Center meets the requirements of Section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1954 (the "Code") and consequently is not a private foundation as defined in Section 509 of the Code. Such primary source of support is expected to continue without substantial change for the current year and for subsequent years.
>
> I hereby declare that there is a reasonable basis in law and in fact for the statement that the XYZ Day Care Center is not a private foundation and that, to the best of my knowledge and belief, the information submitted above is complete and correct.

(XYZ's principal officer)

(Again, if there is any doubt about whether the organization might qualify as a private foundation, legal advice should be obtained on the question.)

The above material should be submitted with a power of attorney and a covering letter such as the following:

The District Director
Internal Revenue Service
120 Church Street
New York, New York

Attention: Exempt Organizations Branch

The XYZ Day Care Center, Inc.

Dear Sir:

On behalf of XYZ Day Care Center, Inc. (the "Center"), we respectfully request that you issue a determination letter that the center is exempt from Federal Income Tax by reason of Section 501 (c)(3) of the Internal Revenue Code of 1954. Duplicate copies of Form 1023 and supporting data, and a Power of Attorney authorizing our representation in this matter, are enclosed.

If you have any question concerning the determination requested, please do not hesitate to call me.

Sincerely,

(The Center's attorney)

A sample power of attorney form is attached.

FORM **1023** (Rev. April 1965)	U.S. TREASURY DEPARTMENT—INTERNAL REVENUE SERVICE **EXEMPTION APPLICATION** ***(To be made only by a principal officer of the organization claiming exemption)***	**To be filed in duplicate with the District Director for your District.**

For use of organizations applying for exemption under section 501(a) and described in section 501(c)(3) of the Internal Revenue Code, which are organized and operated (**or will operate**) exclusively for one or more of the following purposes (check purpose(s)):

☐ Religious ☐ Charitable ☐ Scientific ☐ Testing for Public Safety

☐ Educational ☐ For the prevention of cruelty to children or animals ☐ Literary

Every organization that claims to be exempt must furnish the information and data specified in duplicate. If any organization fails to submit the information and data required, this application will not be considered on its merits and the organization will be notified accordingly.

This application shall be open to public inspection in accordance with section 6104(a)(1) of the Internal Revenue Code. See separate instructions for Form 1023 to properly answer the questions below.

1a. Full name of organization	b. Employer identification number

2. Complete address (number, street, city or town, State and Postal ZIP code)

3a. Is the organization incorporated? ☐ Yes ☐ No	b. If "Yes," in which State and under which law (General corporation, not for profit, membership, educational, eleemosynary, etc.)? Cite statutory provisions.

4a. If not incorporated, what is form of organization?	b. Date incorporated or organized	c. Month and day on which the annual accounting period ends

5a. Has organization filed Federal income tax return(s)? ☐ Yes ☐ No	b. If "Yes," form number of return filed and Internal Revenue District where filed.	c. Year(s) filed

6. After July 1, 1950, did the creator of your organization (if a trust), or a contributor to your organization, or a brother or sister (whole or half blood), spouse, ancestor, or lineal descendant of such creator or contributor, or a corporation controlled directly or indirectly by such creator or contributor, enter into any of the transactions (or activities) enumerated below? NOTE: If you have any knowledge or contemplate that you will be a party to any of the transactions (or activities) enumerated in 6a through 6f, check **"planned"** in the applicable block(s) and see instructions.

	Yes	No	Planned		Yes	No	Planned
a. Borrow any part of your income or corpus?				d. Purchase any securities or other property from you?			
b. Receive any compensation from you?				e. Sell any securities or other property to you?			
c. Have any part of your services made available to him?				f. Receive any of your income or corpus in any other transaction?			

	Yes	No
7. Have you issued or do you plan to issue membership, stock, or other certificates evidencing voting power in the organization?		
8a. Are you the outgrowth or continuation of any form of predecessor(s)?		
b. Do you have capital stock issued and outstanding?		
c. Have you made or do you plan to make any distribution of your property to shareholders or members?		
d. Did you receive or do you expect to receive 10 percent or more of your assets from any organization, group of affiliated organizations (affiliated through stockholding, common ownership, or otherwise), any individual, or members of a family group (brother or sister whether whole or half blood, spouse, ancestor, or lineal descendant)?		
e. Does any part or will any part of your receipts represent payment for services of any character rendered or to be rendered by you?		
f. Are you now, have you ever been, or do you plan to be engaged in carrying on propaganda, or otherwise advocating or opposing pending or proposed legislation?		
g. Do you participate or plan to participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office?		
h. Have you made or do you plan to make any payments to members or shareholders for services rendered or to be rendered?		
i. Does any part or do you plan to have any part of your net income inure to the benefit of any private shareholder or individual?		
j. Are you now or are you planning to be affiliated in any manner with any organization(s)?		
k. Do you hold or plan to hold 10 percent or more of any class of stock or 10 percent or more of the total combined voting power of stock in any corporation?		

9. Has any State or any court (including a Court of Probate, Surrogate's Court, etc.) ever declared whether you were or were not organized and operated for charitable, etc., purposes? ☐ Yes ☐ No. If "Yes," attach copies in duplicate of pertinent administrative or judicial decisions.

10. You must attach copies in duplicate of the following:

a. If incorporated, a copy of your articles of incorporation, or if not incorporated, a copy of your constitution, articles of association, declaration of trust, or other document whereby you were created setting forth your aims and purposes, a copy of all amendments thereto, and any changes presently proposed.

b. A copy of your bylaws or other similar code of regulations, all amendments thereto, and any changes presently proposed.

c. A complete statement of assets and liabilities as of the end of each annual accounting period (or as of the date of the filing of this application, if you were in existence for less than a year).

d. A statement of receipts and expenditures for each annual accounting period of operation (or for the period for which you were in existence, if less than a year).

e. A statement which clearly indicates what State statutes or court decisions govern the distribution of assets upon dissolution. (This statement may be omitted if your charter, certificate, or other instrument of organization makes provision for such distribution.)

f. A brief statement of the specific purposes for which you were formed. (Do not quote from or make reference to your articles of incorporation, constitution, articles of association, declaration of trust, or other document whereby you were created for this question.)

g. A statement explaining in detail each fund-raising activity and each business enterprise you have engaged in or plan to engage in, accompanied by copies of all agreements, if any, with other parties for the conduct of each fund-raising activity or business enterprise.

h. A statement which describes in detail the nature of each of your activities which you have checked on page 1, activities which you sponsor, and proposed activities.

i. A statement which explains fully any specific activities that you have engaged in or sponsored and which have been discontinued. Give dates of commencement and termination and the reasons for discontinuance.

j. A statement which describes the purposes, other than in payment for services rendered or supplies furnished, for which your funds are expended or will be expended.

k. A schedule indicating the name and position of each officer, director, trustee, etc., of the organization and the relationship, if any, by blood, marriage, adoption, or employment, of each such person to the creator of the organization (if a trust), to any person who has made a substantial contribution to the organization, or to a corporation controlled (by ownership of 50 percent or more of voting stock or 50 percent or more of value of all stock), directly or indirectly, by such creator or contributor. The schedule shall also indicate the time devoted to position and compensation (including salary and expense account allowance), if any, of each officer, director, trustee, etc., of the organization.

l. A copy of each lease, if any, in which you are the lessee or lessor of property (real, personal, gas, oil, or mineral) or in which you own an interest under such lease, together with copies of all agreements with other parties for development of the property.

SIGNATURE AND VERIFICATION

Under penalties of perjury, I declare that I have examined this application, including accompanying statements, and to the best of my knowledge and belief it is true, correct, and complete.

Date	Signature of officer	Title

GPO : 1970 O - 108-142

FORM 1023 (REV. 4-65)

INSTRUCTIONS FOR FORM 1023, EXEMPTION APPLICATION

GENERAL INSTRUCTIONS

(References are to the Internal Revenue Code unless otherwise indicated)

A.—Who Must File.—An organization desiring to establish exemption from Federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code, must file this application form unless it has already obtained a ruling or determination letter holding it exempt from Federal income tax under such section of the law. Be certain, however, before filing that you have not already been ruled tax exempt through the efforts of some former officer or member. You should be equally certain that any such prior exemption was obtained by you as an entity and not by some predecessor organization of a similar name. If you are subordinate to a parent organization, make sure that you are not already exempt under a group ruling issued to your parent. Many fraternities, church groups, and functions of educational institutions are exempt under such group rulings. All subordinate units or activities of exempt parents may not themselves be exempt, however, and you should not assume that you are exempt without a careful examination of the ruling by which your parent received its exemption.

Section 501(c)(3) of the Code provides for the exemption of organizations which are organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals. In order to be exempt as an organization described in section 501(c)(3), an organization must meet two tests: (1) it must be organized exclusively for one or more of the purposes in the statute stated above, and (2) it must be operated exclusively for one or more of such purposes. If either of these tests is not met, the organization will not qualify for exemption. Thus, even though an organization engages exclusively in exempt activities, if it is not organized exclusively for exempt purposes it will not qualify for exemption.

In order to meet the organizational test, the purposes of an organization, as set forth in its creating instrument, can be no broader than the purposes set forth in section 501(c)(3). The "creating instrument" is the document whereby the organization was created. For example, in the case of a corporation the creating instrument would be its charter or articles of incorporation, rather than its bylaws. In addition, the powers given an organization to carry out its stated purposes may not expressly authorize it to carry on, other than as an insubstantial part of its activities, activities which are not in furtherance of one or more exempt purposes. This applies even though the purposes are no broader than those set forth in section 501(c)(3).

A further requirement of the organizational test is that an organization's assets must be irrevocably dedicated to an exempt purpose so that in the event of its dissolution, the assets will be distributed only for an exempt purpose. This requirement may be met by a specific provision in the organization's creating document for the distribution of assets in the event of dissolution, or by evidence showing that by operation of law, i.e., by state statute or judicial proceedings, the assets will be properly distributed.

The second part of the dual test for exemption, the operational requirement, makes it essential that an organization's activities be in furtherance of one or more of the purposes set forth in the statute. It is necessary, therefore, that an organization claiming exemption clearly establish that its operations or proposed operations meet the requirements of the statute.

B.—Signature and Verification.—The application must be signed by either the president, vice president, or other principal officer who is authorized to sign. If the application is filed on behalf of a trust, it must be signed by the authorized trustee or trustees.

C.—Time and Place for Filing.—If you believe you are organized so as to qualify for exemption and can show, either by your record of past operations or by your proposed method of future operations, that you meet the operational requirements for exemption, to obtain a ruling or determination you must complete and file in duplicate an exemption application with the District Director of Internal Revenue for the district in which you maintain your headquarters or principal place of business. All the information requested in the application must be furnished, and the supporting documents and statements must be submitted in duplicate, or the application will not be considered on its merits and you will be notified accordingly.

D.—Attachments.—All attachments and enclosures, including articles of incorporation, constitution, articles of association, declaration of trust, bylaws, financial statements, and other statements, must be filed in duplicate. Every attachment and enclosure should show the name and address of the organization, the date, an identifiable heading showing the question number or subject matter to which it relates, and that it is an attachment to Form 1023. Do not submit original documents since all documents filed must be retained by the Service.

In addition to the documents and statements listed which must be filed, any additional information citing court decisions, rulings, opinions, etc., should be filed for purposes of expediting the processing of your application.

E.—Power of Attorney.—If you expect to be represented in person or by correspondence by an agent or an attorney, a power of attorney authorizing the agent or attorney to represent you must be filed in duplicate.

F.—Returns.—A mere claim or contention by an organization that it is exempt from income tax under section 501(a) will not relieve the organization from filing income tax returns and paying the tax.

G.—Requests for Withholding of Information.—Any information which is submitted in the application or in support of it and which is determined by the Commissioner to relate to any trade secret, patent, process, style of work, or apparatus, may upon request be withheld from public inspection if the Commissioner determines that the disclosure of such information would adversely affect the organization. Such request must (1) clearly identify the material to be withheld (the document, page, paragraph, and line), (2) include the reasons for the organization's position that the information is of the type which may be withheld from public inspection, and (3) be filed with the documents in which the material to be withheld is contained.

H.—Employer Identification Number.—Enter your employer identification number on line 1b. If you do not have an identification number, submit a completed Form SS-4, Application for Employer Identification Number, with this exemption application.

SPECIFIC INSTRUCTIONS

(References are to lines on form)

1a.—List the name shown in your articles of incorporation, articles of association, constitution, declaration of trust, or other document whereby you were created. If you operate or plan to operate under a name other than that shown in your creating document, furnish an explanation. If your name has been officially changed by an amendment to your creating document, two copies of such amendment must be attached to this application.

6.—If the answer to any part of this question is "Yes," attach a detailed statement of each transaction showing: (a) names of the parties and their relationship or interest in your organization; (b) date of the transaction; (c) amount and nature of the property or services involved; (d) in the case of loans, amount, interest, security received, terms of repayment, and attach copies of the note or other evidence of the debt; (e) in the case of purchases, property purchased, value at date of purchase and how determined, purchase price, amount and nature of any encumbrances and to whom owing, and attach copies of purchase contract or agreement and any appraisals made; and (f) in the case of sales, property sold, date acquired, from whom, manner of acquisition, cost or other basis at date of acquisition, date of sale, gross sales price, terms of sale, and attach copies of contract of sale.

If the answer to any part of this question is "Planned," attach a statement explaining the planned transaction and to the extent known include therein the same information required with respect to a completed transaction.

7.—If the answer is "Yes," attach specimen copy thereof, state to whom issued and whether transferable for money or other consideration.

8a.—If the answer is "Yes," attach a statement including: (a) name of predecessor; (b) whether it ever received a ruling or determination that it was exempt from Federal income tax, and, if so, the date; (c) its nature, i.e., sole proprietorship, partnership, unincorporated association, corporation, or trust; (d) period of its existence; and (e) reason for its termination. If your predecessor was a sole proprietorship, partnership, or other type of profit-making organization, include in your statement the following additional information: (a) a complete explanation of your formation and the manner in which you acquired any assets of your predecessor; (b) a list of all assets acquired showing those purchased and those donated. With respect to purchased assets, furnish the purchase price and how determined (fair market value, basis in hands of donor, etc.), the terms of payment, interest and any security given if purchased on an installment basis. With respect to donated assets, furnish the basis of such assets in the hands of the donor at the time of the gift; (c) if any property is being leased from your predecessor, the amount of the rent, how determined, and any options or renewal privileges; (d) names of officers, directors or trustees of your predecessor, whether any are presently employed by you and, if so, their capacity, compensation (including salary and expense account allowance), services performed, and time devoted to position. Also attach copies of all documents pertinent to the acquisition of your predecessor's assets appraisals of property, leases, and a financial statement of your predecessor for its last full year of operation, including its last balance sheet.

8b.—If the answer is "Yes," attach a statement indicating: (a) class or classes of such stock; (b) number and par value of shares; (c) consideration for which issued; (d) number of shareholders (if less than 10, names and number of shares held by each); and (e) whether any dividends have been paid or whether your certificate of organization authorizes such payment on any class of stock.

8c.—If the answer is "Yes," attach a statement containing full details, including: (a) nature of property; (b) amounts or value; (c) source of funds or property distributed or to be distributed; and (d) basis of and authority for distribution or planned distribution.

8d.—If the answer is "Yes," and you have actually received such property, attach a statement showing: (a) nature of the property and from whom acquired; (b) date and manner of acquisition; (c) value at date of acquisition and how determined; (d) any encumbrances on the property and to whom owing; and (e) if stock, the name of the corporation, class of stock, whether voting or nonvoting, the number of shares owned of each class at beginning and end of your last full year of operation, and total number of shares outstanding of each class. Also attach copies of all pertinent documents.

The statement should include information with respect to all such property acquired even if not presently held by you. Where such property has been disposed of, in addition to the information requested above regarding its acquisition, include: (a) date of disposition; (b) manner of disposition; (c) to whom conveyed; (d) consideration received; and (e) copies of any written documents evidencing the conveyance.

If the answer is "Yes," and you expect to receive such property, attach a statement explaining in detail.

8e.—If the answer is "Yes," attach a statement explaining in detail.

8f.—An organization which as a substantial part of its activities attempts to influence legislation by propaganda or otherwise is considered an "action" organization and will not qualify for exemption under section 501(c)(3). For this purpose, an organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if it advocates the adoption or rejection of legislation. The term "legislation" as used here includes action by the Congress, by any State legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure.

Even though an organization does not engage in direct attempts to influence legislation, if its main or primary objective may be attained only by legislation or a defeat of legislation, and it advocates or campaigns for the attainment of such main or primary objective, as distinguished from engaging in nonpartisan analysis, study, or research and making the results thereof available to the public, it will be considered an "action" organization and accordingly not exempt as an organization described in section 501(c)(3).

If the answer to this question is "Yes," attach a statement describing fully all activities or planned activities in this connection, their frequency, the approximate amount of time devoted or to be devoted thereto by your officers and members, and furnish copies of any literature distributed or to be distributed, and any other pertinent material.

8g.—An organization will be considered an "action" organization and will not qualify for exemption if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. "Candidate for public office" means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, State, or local. Such participation includes, but is not limited to, the publication or distribution of written or printed statements or the making of oral statements for or against a candidate.

If the answer to this question is "Yes," attach a statement describing fully all such activities or planned activities and furnish copies of any literature distributed or to be distributed in this connection.

8h.—If the answer is "Yes," attach a statement showing the names of the recipients, the amount paid or to be paid, the character of the services rendered or to be rendered, and the time devoted or to be devoted thereto. If amounts are paid or will be paid on other than a fixed compensation basis, for example, in payment of travel, living, automobile, or other expenses, explain fully the nature of the expense, the amount (if paid), how accounted for by the recipient, and by whom payment is or will be approved.

8i.—A private shareholder or individual is one who has a personal or private interest in an organization. If the answer is "Yes," and part of your net income inures to the benefit of a private shareholder or individual, attach a statement giving the name or names of the recipients, the amount received by each, and the reason for the payment. If the answer is "Yes," and you plan to have any part of your net income inure to the benefit of a private shareholder or individual, attach a statement explaining in detail.

8j.—If the answer is "Yes," attach a statement showing the name of the organization(s) and the manner or nature of your actual or planned affiliation or relationship.

8k.—If the answer is "Yes," and you actually hold 10 percent or more of any class of stock or 10 percent or more of the total combined voting power of stock in any corporation, attach a statement showing: (1) name of corporation, class of stock and whether voting or nonvoting; (2) number of shares owned of each class at beginning and end of your latest annual accounting period; (3) total number of shares outstanding of each class; (4) value of stock as recorded on your books and included in your statement of assets and liabilities; (5) date acquired and from whom; and (6) manner of acquisition.

If any stock is subject to voting restrictions, attach copy of agreement. If no written agreement exists, explain fully.

If the answer is "Yes," and you plan to hold 10 percent or more of any class of stock or 10 percent or more of the total combined voting power of stock in any corporation, attach a statement explaining in detail.

10 a. and b.—The copies required must conform in all respects as to text, date of adoption, signature, etc.

10d.—A classified statement of receipts and disbursements must be furnished clearly reflecting the nature or source of each receipt, the gross amount received from each source, the expenditures made, purpose, and the total amount expended for each purpose. Neither bank statements nor ledger sheets will be acceptable for this purpose since they are not classified. Profit and loss or other similar operating statements also are not acceptable since they do not show all receipts and expenditures.

(1) Where funds have been loaned or borrowed, if not disclosed in answer to question 6, attach a statement showing: (a) names of the parties; (b) whether the lender or borrower is an officer, director, trustee, member, shareholder, or employee; (c) reason for the loan; (d) period of the loan; (e) interest payable; and (f) security given, if any.

(2) Where income is derived from ticket sales or facilities furnished to nonmembers, explain fully and state the amount which represents such nonmember income.

(3) Where rental income or expense is involved, if not disclosed in the copy of the lease required to be filed with this application, or if there is no written lease, attach a statement showing: (a) names of the parties to the lease; (b) whether leased to or by an officer, director, trustee, member, shareholder, employee, or contributor to you; (c) rental and how determined; (d) date tenancy began, and any extensions, renewals or options; and (e) amount of any indebtedness on the property, to whom owing, interest payable and term.

(4) Where funds are distributed to other organizations, attach a statement showing the official name of each donee, its complete address, and the amount given to each.

10e.—In the event a dissolution clause is not included in your creating document (such a provision must be in the document whereby you were created rather than your bylaws or other code of regulations) and you are relying on operation of law, you must attach a brief which outlines the State statutes and judicial decisions, if any, on which you rely. You must show that the State statutes clearly insure that your assets will be distributed only to a recipient that would qualify for exemption as an organization described in section 501(c)(3) or would escheat to the State for a public purpose.

If reliance is placed on judicial decisions, the brief must show, with citation of case holdings, (1) that the doctrine of *cy pres* has been adopted by the State and consistently applied in similar situations, (2) that your creating instrument clearly manifests the general charitable intent required to insure application of *cy pres* by the appropriate judicial authority to your assets, and (3) that the particular application of *cy pres* insures distribution of your assets for exempt purposes within the meaning of section 501(c)(3).

10h.—The statement must be sufficiently detailed to show that each activity is clearly within the intent of the statute. A restatement of your purposes or a statement that your activities or proposed activities are or will be in furtherance thereof is not sufficient. If you have not operated and are filing this application on the basis of proposed activities, the description of your proposed activities must not only describe the activities in which you expect to engage, but also how you expect to raise your funds, and the nature of your principal contemplated expenditures.

If your proposed activities will encompass more than merely turning over funds to other exempt organizations, the standards, criteria, procedures, or other means adopted or planned by you for carrying them out must be stated.

As to expected sources of funds, state whether support will be from public or private sources, i.e., from the public at large or governmental units or from your creator, members of a family group, or a few interested individuals; and the nature of the support, i.e., contributions, gifts, grants, or other. If income from fund raising events, ticket sales, rentals, or other business or investment sources is anticipated, state the nature of the proposed venture and furnish any pertinent details.

The statement of principal contemplated expenditures should reflect administrative and operating expenses as well as expenditures made directly in furtherance of exempt purposes. If grants, gifts, awards, etc., to individuals are planned, the selection criteria to be followed must be stated.

If you are organized to operate a home for the aged, school, hospital, clinic, or bookstore; or to award scholarships, make loans, engage in or sponsor research, conduct educational activities other than a school; or to expend any part of your funds in foreign countries, the information called for below must be furnished.

Home for aged.—If you are organized to operate a home for the aged, submit: (a) a description of the facilities and services provided or to be provided the residents, including the residential capacity of the home; (b) the criteria for admission to the home; (c) charges for admission (entrance fee and/or monthly charge) and whether payable in a lump sum or on an installment basis; (d) whether all residents are or will be required to pay fees; (e) how charges are or will be determined, i.e., on a profit basis, to recover costs, or at less than cost; (f) whether any residents are or will be accepted without pay and, if so, how many; (g) whether residents are or will be discharged if unable to pay; (h) whether Federal mortgage financing has been applied for and, if so, the type; and (i) copies in duplicate of admission applications and/or any other literature or brochures descriptive of the home, its facilities, and admission requirements.

Scholarships.—If you award or plan to award scholarships, submit: (a) criteria used or to be used for selection, including the rules of eligibility; (b) how and by whom the recipients are or will be selected; (c) if awards are or will be made directly to individuals, whether information is required assuring that the student remains in school; (d) if awards are or will be made to recipients of a particular class, for example, children of employees of a particular employer, whether any preference is or will be accorded an applicant by reason of the parent's position, length of employment, or salary; whether as a condition of the award the recipient must upon graduation accept employment with the company, and whether the award will be continued irrespective of termination of the parent's employment; and (e) copies in duplicate of the scholarship application form and any brochures or literature describing the scholarship program.

Loans.—If you make or plan to make loans for charitable and educational purposes, submit: (a) circumstances under which such loans are or will be made; (b) criteria for selection, including the rules of eligibility; (c) how and by whom the recipient is or will be selected; (d) manner of repayment of the loan; (e) security required, if any; (f) interest charged, if any, and when payable; and (g) copies in duplicate of loan application and any brochures or literature describing the loan program.

Research.—If you engage or plan to engage in research, submit: (a) nature of research engaged in or contemplated; (b) a brief description of research projects completed or presently being engaged in; (c) how and by whom research projects are determined and selected; (d) whether you have or contemplate having contract or sponsored research and, if so, names of past sponsors or grantors, terms of contract or grant, together with copies in duplicate of any executed contracts or grants; (e) disposition made or to be made of the results of your research, including whether preference has or will be given to any organization or individual, either as to results or time of release; (f) who will retain ownership or control of any patents, copyrights, processes, or formulae resulting from your research; and (g) copies in duplicate of publications or other media showing reports of your research activities. Only reports of your research activities or those conducted in your behalf as distinguished from those of your creators or members conducted in their individual capacities should be submitted.

School.—If you are organized to conduct a school, submit full information regarding your tuition charges, number of faculty members, number of full-time students enrolled, number of part-time students enrolled, courses of study, and degrees conferred, together with a copy of your school catalog.

Education (other than school).—If you claim exemption as an educational organization other than a school, submit complete information as to the manner in which you carry on or plan to carry on your educational activities, i.e., by panels, discussions, lectures, forums, radio or television programs, or through various cultural media such as museums, symphony orchestras, art exhibits, etc. In each instance, explain by whom and where conducted, admission fees, if any, and submit, in duplicate, copies of pertinent contracts, agreements, publications, leaflets, pamphlets, programs, etc.

Hospital.—If you are organized to operate a hospital, attach a statement including: (a) requirements for admission to practice on the staff; (b) your policy and practice with regard to charity patients; and (c) if you have operated, the number of patient days during your latest annual accounting period of full pay, part pay, and no pay patients. In case of part pay and no pay patients, state whether they were admitted regardless of their ability to pay or whether they were patients whose accounts were charged off as bad debts or uncollectible. If any part of your facilities are or will be used by or rented to others, for example, doctors, X-ray laboratories, drugstore, or office space, describe fully the arrangements for use, the space and what percentage of your building it represents, terms of occupancy, occupants and their relation to or connection with your hospital and any services performed by them for you, and attach copies in duplicate of pertinent leases and contracts.

Clinic.—If you are organized to operate a clinic, attach a statement including: (a) description of the facilities and services; (b) to whom the services are or will be offered, i.e., the public at large or a specific group; (c) how charges are or will be determined, i.e., on a profit basis, to recover costs, or at less than cost; (d) by whom administered and controlled; (e) whether any of the professional staff, that is, those who perform or will perform the clinical services, also serve or will serve in an administrative capacity; and (f) how compensation paid the professional staff is or will be determined.

If any part of your facilities are or will be used by or rented to others, for example, doctors, X-ray laboratories, drugstore, or office space, describe fully the arrangements for use, the space and what percentage of your building it represents, terms of occupancy, occupants and their relation to or connection with your clinic and any services performed by them for you, and attach copies in duplicate of pertinent leases and contracts.

Foreign distributions.—If any of your funds are or will be expended in foreign countries, attach a statement including: (a) manner in which and by whom recipients are or will be selected; (b) names of recipient organizations and/or purposes for which the funds are or will be expended; (c) extent to which, if any, you control or will control expenditure of funds donated by you to foreign organizations, and whether there is or will be any required reporting of such expenditures to you; and (d) whether contributions are or will be solicited by you and earmarked for specific foreign distributees.

Bookstore and publishing.—If you are organized to operate a bookstore or engage in publishing activities of any nature (printing, publication, or distribution of your own material or that printed or published by others and distributed by you), explain fully the nature of the operations, including whether sales are or will be made to the general public, the type of literature involved, and how such activities are related to your stated purposes.

U. S. GOVERNMENT PRINTING OFFICE : 1968 O - 108-258

FORM **2848** (Rev. September 1967) U.S. Treasury Department Internal Revenue Service	**Power of Attorney** **(See Separate Instructions)**

Name, address including ZIP code, and identifying number of taxpayer(s)

hereby appoints (name, address including ZIP code, and telephone number of appointee(s))

as attorney(s)-in-fact to represent the taxpayer(s) before any office of the Internal Revenue Service with respect to (specify Internal Revenue tax matters and years or periods):

Said attorney(s)-in-fact (or either of them) shall, subject to revocation, have authority to receive confidential information and full power to perform on behalf of the taxpayer(s) the following acts with respect to the above tax matters:

(Strike through any of the following which are not granted.)

To receive, but not to endorse and collect, checks in payment of any refund of Internal Revenue taxes, penalties, or interest.

To execute waivers (including offers of waivers) of restrictions on assessment or collection of deficiencies in tax and waivers of notice of disallowance of a claim for credit or refund.

To execute consents extending the statutory period for assessment or collection of taxes.

To execute closing agreements under section 7121 of the Internal Revenue Code.

To delegate authority or to substitute another representative.

Other acts (specify) ....

Copies of notices and other written communications addressed to the taxpayer(s) in proceedings involving the above matters should be sent to (Name, address including ZIP code, and telephone number):

and

This power of attorney revokes all prior powers of attorney and tax information authorizations on file with the same Internal Revenue office with respect to the same matters and years or periods covered by this instrument, except the following:

....

(Specify to whom granted, date, and address including ZIP code, or refer to attached copies of prior powers and authorizations)

Signature of or for taxpayer(s)

If signed by a corporate officer, partner, or fiduciary on behalf of the taxpayer, I certify that I have the authority to execute this power of attorney on behalf of the taxpayer.

(Signature)	(Title, if applicable)	(Date)
(Signature)	(Title, if applicable)	(Date)

If the power of attorney is granted to an attorney, certified public accountant, or enrolled agent, this declaration must be completed.

I declare that I am not currently under suspension or disbarment from practice before the Internal Revenue Service. and that:

I am a member in good standing of the bar of the highest court of the jurisdiction indicated below; or
I am duly qualified to practice as a certified public accountant in the jurisdiction indicated below; or
I am enrolled as an agent pursuant to the requirements of Treasury Department Circular No. 230.

Designation (Attorney, C.P.A., or Agent)	Jurisdiction (State, etc.) or Enrollment Card Number	Signature	Date

If the power of attorney is granted to a person other than an attorney, certified public accountant, or enrolled agent, it must be witnessed or notarized below.

The person(s) signing as or for the taxpayer(s): (Check and complete one.)

☐ **is/are known to and signed in the presence of the two disinterested witnesses whose signatures appear here:**

.... (Signature of Witness) .... (Date)

.... (Signature of Witness) .... (Date)

☐ **appeared this day before a notary public and acknowledged this power of attorney as his/her/their voluntary act and deed.**

.... (Signature of Notary) .... (Date) **NOTARIAL SEAL** (If required)

FORM **2848** (Rev. 9–67)

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 108-122

II. State Tax Exemption of Day Care Centers

As a nonstock corporation organized and operated for nonprofit purposes, a day care center is exempt from the New York State corporation franchise and income tax.

In order additionally to obtain exemption from state and local sales taxes on its purchases, a center should file a copy of Form ST-119.2, reproduced below, with the New York State Sales Tax Bureau. As the instructions on the Form indicate, if a day care center has received a determination letter from the Internal Revenue Service that it is a tax-exempt charitable organization, it need only attach a copy of such letter to the Form. Otherwise, it must submit a statement containing the material specified on page 2 of the Form and attach the documents listed on that page.

ST-119.2 (5/71)

State of New York - Department of Taxation and Finance - Sales Tax Bureau

New York State and Local Sales and Use Tax

APPLICATION FOR AN EXEMPT ORGANIZATION CERTIFICATE

FOR USE BY ORGANIZATIONS APPLYING FOR EXEMPTION
FROM THE STATE AND LOCAL SALES AND USE TAX

NAME AND ADDRESS OF ORGANIZATION (PLEASE PRINT OR TYPE)

FOR DEPARTMENT USE ONLY

SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION

1. FEDERAL EMPLOYER IDENTIFICATION NUMBER, IF ANY ▶

2a. Is your organization incorporated? ☐ YES ☐ NO

2b. If not incorporated, what is the form of organization?

2c. Date incorporated or organized

3a. Does your organization operate a shop, store or restaurant? ☐ YES ☐ NO

3b. If yes, are you currently registered as a vendor? ☐ YES ☐ NO

3c. If registered, enter your Certificate of Authority Number

4. Has your organization (or if you are a branch or chapter of a national organization, has your parent organization) applied to the Internal Revenue Service for exemption from Federal Income Tax? ☐ YES ☐ NO If "YES", attach a copy of your current exemption letter or the ruling you (or your parent organization) received from the Internal Revenue Service.

If your Federal exemption is under Section 501(c)(3) of the Internal Revenue Code and you are submitting a copy of your current exemption letter or ruling, please sign the verification on the back of this application and do not submit any further information. However, if you have never applied for exemption from Federal income taxes, or are submitting an exemption letter or ruling other than under Section 501(c)(3), complete the balance of the application.

For which one or more of the following purposes is your organization organized and operated exclusively?

☐ RELIGIOUS
☐ CHARITABLE
☐ SCIENTIFIC
☐ LITERARY
☐ EDUCATIONAL
☐ FRATERNAL BENEFICIARY SOCIETY
☐ PREVENTION OF CRUELTY TO CHILDREN OR ANIMALS
☐ CEMETERY COMPANY
☐ VOLUNTARY FIRE COMPANY
☐ BOARD OF TRADE
☐ SOCIAL OR ATHLETIC CLUB
☐ EMPLOYEE ASSOCIATION
☐ TESTING FOR PUBLIC SAFETY
☐ OTHER ______
☐ CIVIC LEAGUE
☐ VETERANS ORGANIZATION
☐ LABOR UNION
☐ BUSINESS LEAGUE
☐ CHAMBER OF COMMERCE
☐ AGRICULTURAL OR HORTICULTURAL ORGANIZATION

Attach a statement furnishing in detail information concerning any of the following questions answered "YES"

a. Has any distribution of your property ever been made to shareholders or members? ☐ YES ☐ NO

b. Does any part of the net earnings of the organization inure to the benefit of any private shareholder or individual? ☐ YES ☐ NO

c. Has the organization ever engaged in carrying on propaganda or otherwise either advocated or opposed pending or proposed legislation? ☐ YES ☐ NO

d. Does the organization participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office? ☐ YES ☐ NO

e. Has the organization ever received or requested any exempt or special status under the law of the State of incorporation or operation, such as income or property tax exemption? ☐ YES ☐ NO

f. Is the organization under the supervisory jurisdiction of any State, county, or city regulatory body, such as the social welfare agency, board of regents, etc., or has any such status ever been requested? ☐ YES ☐ NO

g. Has any court (including a Court of Probate, Surrogate's Court, etc.) ever declared that the organization was organized for charitable, etc., purposes or has such status ever been requested? ☐ YES ☐ NO

Please attach the following documents to support your claim for exemption.

a. If incorporated, a copy of your articles of incorporation, or if not incorporated, a copy of one of your articles of association, declaration of trust, or other enabling instrument with a copy of any amendments thereto.

b. A copy of your constitution and bylaws or other similar code of regulations, with a copy of any amendments.

c. A financial statement of receipts and expenditures for the most recent fiscal year of operation. This statement should clearly reflect the nature and amount of receipts and the purpose and amount of expenditures.

d. A financial statement of assets and liabilities as of the end of the most recent fiscal year of operation.

e. A brief statement of the specific purposes for which the organization was formed. Do not quote from or make reference to the articles of incorporation or bylaws for this statement.

f. A statement which explains the manner in which your assets will be distributed upon dissolution or termination of your organization. This statement may be omitted if your enabling document makes provision for such distribution.

SIGNATURE AND VERIFICATION:
I certify that the information entered on this application, (including statements made on any accompanying attachments) has been examined by me and is, to the best of my knowledge and belief, correct and complete.

DATE	SIGNATURE OF OFFICER	TITLE

222.

INSTRUCTIONS FOR USE OF APPLICATION

This application is to be used by organizations claiming exemption from New York State and local sales and use taxes. The Tax Law grants exemption to "Any corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation and which does not participate in or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;"

Exemption is effective as of the date of formation of an organization if, during the period prior to the approval, its purposes and activities met the statutory requirements. Upon establishing exemption, the organization may file Application for Credit or Refund of State and Local Sales or Use Tax (ST-137) for taxes paid within the three year period covered by the statute of limitations. Retain sales slips and invoices to support any claim.

If an organization is required to amend its enabling documents or change its operations to qualify, the exemption will not be retroactive. Refund or credit may be claimed only for purchases made after the organization qualifies for the exemption.

To qualify for exemption, an organization's enabling documents must show that:

(1) The organization is organized exclusively for, and will be operated exclusively for one or more of the specified purposes;

(2) No part of its net income will inure to the benefit of private shareholders or individuals;

(3) It will not, as a substantial part of its activities, attempt to influence legislation;

(4) It will not participate to any extent in a political campaign for or against any candidate for public office;

(5) The assets of the organization are permanently dedicated to an exempt purpose. This means that should your organization dissolve, its assets will be distributed for an exempt purpose specified in the statute, or to the Federal government or to a state or local government for a public purpose.

If your organization operates a shop, store or restaurant, you are required to be registered as a vendor with the Sales Tax Bureau and file quarterly reports for the tax collected on retail sales of tangible personal property.

Governmental agencies are not required to apply for an Exempt Organization Certificate. A governmental purchase order may be accepted by a vendor in lieu of an exemption certificate.

If you have any questions, write to the Instructions and Interpretations Unit, Sales Tax Bureau, State Campus, Albany, New York 12227 or call (area code 518) 457-2782.

To insure prompt handling, mail your completed application to the above address, making sure you have (1) signed and dated the application; (2) answered all the applicable sections; and (3) attached all the necessary supporting documents. Failure to furnish all the required data will delay the processing of your application. Your organization will be notified of your status when the review has been completed.

PART TWELVE

ACCOUNTING AND MANAGEMENT FOR DAY CARE CENTERS

PART TWELVE

ACCOUNTING AND MANAGEMENT FOR DAY CARE CENTERS

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SECTION 7. ACCOUNTING AND MANAGEMENT FOR DAY CARE CENTERS

I. Management

A. Definition. A broad definition of management would be the planning, coordinating and controlling needed to ensure the smooth and efficient operation of any organization. In day care centers, it involves performing the following functions:

- Planning the requirements to commence and continue the overall operations of the center.
- Coordinating all personnel and activities toward the achievement of the plan.
- Controlling the center's efforts by evaluating individual and organization achievements in terms of the established goals.

B. Types. Management of day care centers can be divided into two categories:

- Money management, which consists of performing the above management functions in all areas dealing with money.
- General management, which consists of performing the above management functions in all other administrative areas.

A third type of management, which is related to administration of staff and children, is not covered in this material.

C. Responsibility. The board of directors of any organization has the ultimate responsibility for seeing that the managerial functions are performed. In most instances, this responsibility is delegated to a chief administrative officer, for example, the Executive Director of a day care center.

D. Assistance. Management personnel need not personally have the experience needed to fulfill all requirements of their position; however, they should be able to recognize when assistance is needed and to obtain it. Legal and accounting are two areas often requiring assistance because of their technical nature. While a day care center is still in the planning stage, both a lawyer and an accountant should be appointed if at all possible. Such persons could be selected from within the community or, if external, perhaps have a social interest in it. Ideally, their services will be free or on a low-cost basis. Community Law Offices can often help provide lawyers and accountants to consult with centers. (Phone: 369-2007)

ACCOUNTING

The need for legal advice is usually obvious, but many people do not understand the importance of competent accounting advice. A professional accountant can act as an adviser in all financial and office matters. The center can consult with him on anything discussed in this section of the Handbook. The extent to which an individual center will need to consult an accountant will depend upon the degree of accounting competence the center's employees possess.

Generally speaking, Certified Public Accountants (CPA)s are the safest source of help, if their services can be obtained. CPA(s) must pass comprehensive professional examinations, and must have a specified level of education and experience. The state also registers Public Accountants, who need only be qualified by experience. Other accountants may well be equally competent, but do not have to meet state requirements for registration.

In appointing a lawyer, accountant, or other professional adviser, the center should request, and check carefully, as many references as it needs to satisfy itself as to the competence and reliability of the appointee. Such checking is a better source of confidence than any professional title.

II. Money Management

A. Definition. Money management involves the performance of the managerial functions in all areas dealing with money. In day care centers, these functions are specifically:

- Planning and locating a source of money. The lawyer and various consulting groups (listed elsewhere) can help with this.

- Establishing an accounting system to record, control, and report on the center's money. The accountant can help with this.

B. Planning and Locating a Source of Money. This function has two phases: the intial (which covers all stages of development up to the point where the center begins operating) and the recurring (when the center is operating).

1. Initial Phase. The initial phase is covered in detail in other sections of this Manual. Briefly, the initial financial plans of a center should relate directly to the center's goals, as established by the founding group.

The various sources of money for the initial phase, also discussed in detail elsewhere, include:

- State
- City
- Federal
- Other (private) sources

2. Recurring Phase. Once a day care center is operational, anticipated cash receipts and expenditures must be estimated on a recurring basis. This process is known as budgeting, or the preparation of a budget.

A budget is a management tool used to plan and control the financial affairs of an organization for a specific period of time. Day care center budgets are ordinarily based upon two factors:

a. New York City Guidelines - amounts which the City has determined are fair and normal in the circumstances.

b. Historical cost adjusted for changes in prices or organizational goals - what it has cost centers like yours to run on in the past. Recognition is given to price changes and programs you want to offer that may not have been offered by anyone in the past.

Your budget will become the basis for requesting money when you set up your program, and will also be useful in measuring your actual expenses against budgeted amounts. This is important as you are only allowed to spend money up to the amount of your budget in most cases.

In formulating a budget, the expense guidelines that have been established by New York City must be followed. The guidelines for staff salaries have been based upon education levels of the staff, while other guidelines have generally been based on either a certain dollar amount per child or an overall amount based on the size of the physical plant. Sometimes, however, community groups get together to try to convince the City to change guidelines to meet community needs. The lawyer can provide advice on how to proceed if a center would like to have a particular guideline changed.

The City Division of Day Care will assist a center in the preparation of this budget and its prior approval is required before an organization is assured of funding. A City form exists for this purpose and categories therein should be used. Based upon the approved budget, the City pays 93%-98% of the operating costs budgeted (See Page 227), and the parents using the day care program have been responsible for contributing anywhere between 2% and 7% of these costs. The parents' share is based on their ability to pay.

Presently the City will fund only those operating expenses that are specifically covered under its program for day care centers.

ACCOUNTING

If a center decides that some additional activities should be conducted, management of the center should forecast what additional costs will be incurred and should be sure another source of funds is available before implementing these plans. A budget is the financial reflection of all the plans and goals of your day care center. The cost of everything you want to do and every program you want to set up must be provided for in your budget.

Your budget will show all the money you plan on receiving as well as what you plan to spend. Since the amount of money you will have coming in is a set amount, you should use your budget throughout the year to compare to your expenses and ensure that all the programs you provided for are carried out.

Exhibit 1 presents an example of one general format and procedures that could be followed in preparing a budget. Of course, in any given case the actual format needed will depend on each day care center's particular needs and circumstances. The classifications shown represent general groupings which can be changed to suit the purposes of a particular center.

The budget must be as accurate as possible because underestimating expenses could mean that sufficient money to carry on operations will not be available. Also, if City audits later disclose overspending the sponsoring agency may have to make a refund to the City.

Once the budget has been formulated, a source of money must be located. The following summarizes the present money sources available on a recurring basis once an organization becomes operational.

- City: New York City provides 93%-98% of the budgeted operating costs of a day care center. During the first quarter, the City will pay to the center each month 1/12 of the approved budget. For the remaining quarters, the City pays to the center monthly 1/3 of the preceding quarter's actual expenses.
- Other: The center might wish to perform activities which currently are not approved or budgetable under City regulations. For example, some groups want to provide special services for retarded or handicapped children in their centers. In such cases, additional funds may be obtainable from City day care funds, other City, State or Federal agencies, or other sources.

  The "other sources" are limited only by the ingenuity of the center's people. The center could approach a foundation and request a foundation grant, or the center itself could attempt to raise these funds through fund drives or "street sales." Another method would be to charge the parents benefiting from the added costs on either an "equal share" or an "ability to pay" basis.

C. Establishing An Accounting System.

1. Definition. Your day care center's accounting system should consist of records, controls and reports.

- Records are the "books" in which you will keep track of all your financial information. For example, a check book is a record showing all checks that were written, how much they were for, and to whom they were sent.

- Controls are the procedures that you will set up to safeguard your money and other assets and help ensure that information is being properly recorded in the records. For example, if two signatures are required on a check before it can be sent out, then two people must examine the check for accuracy before it can leave the center. This is a control on the check book.

- Reports are summaries of money transactions for a given period of time. A bank reconciliation is a report showing transactions affecting the bank account. Ordinarily it shows a balance at the beginning of the month plus deposits minus checks written to equal the balance at the end of the month.

  This balance should agree with the balance in the cash accounts on the books, which you have kept during the month. The comparison of the bank account to the books is a control of the correctness of the cash books.

  You should consult with your accountant as often as necessary to ensure that the accounting system you set up meets all of your needs and contains all the parts mentioned above. It would also be helpful to visit established day care centers to see how they solved their accounting problems, and how many of their systems would be applicable to you.

2. Records. All of your records may be broken down into two major groups or "systems":

- Cash receipts system (money coming in)
- Cash disbursements system (money going out)

a. Cash Receipts System. Your cash receipts system should be a set of records which will keep all cash receipts information in a neat and orderly manner. You will find that the simpler and neater your system is, the easier it will be to control and prepare reports from, and the harder it will be to make mistakes. A cash receipts system will generally include the following records:

- Cash Receipts Book - This book will show all cash coming in, and where it comes from. The book should be kept in date order and summarized periodically, generally monthly. It can be used as a source for many reports, and as a control when checked against the bank reconciliation.

- Parent Fee Cards - These cards are used for recording attendance fees for each child participating in the day care program. Parents are charged a weekly fee per child which is usually based on their ability to pay. Whenever a child is in attendance for either a full or partial week, the parents are usually charged a full week's fee. If a child does not attend for any part of the week, the parents are generally not charged the fee for that week. These cards can be obtained from the Division of Day Care.

- Supporting Records - Supporting records are all the documents that help to prove the correctness of the information in the records. Supporting records may come from outside sources (e.g. a letter accompanying State funds) or may be made up inside the day care center (a worksheet). An example of such a worksheet would be a listing of parents and the amount received from each for a day. If this worksheet is maintained, only the summarized total need be entered in the cash receipts book. The total should be entered daily. An example of such a summary is included as Exhibit 5. Note that these cash receipts should also be recorded in detail on the parent fee cards mentioned above.

  Specific documents to be kept might include correspondence, agreements, official notices and other records relating to cash receipts. All such supporting documentation should be filed in some systematic fashion, such as by date received.

  Supporting documents are not only important as records but may also be used as controls for various purposes. Money recorded in the cash receipts book may be traced back to the original worksheets to prove that it was recorded properly.

b. Cash Disbursements System. Just as it is important to keep track of money coming in, it is just as important to keep track of money going out. The cash disbursements system is very similar to the cash receipts system and contains the following records:

- Cash Disbursement Book - This book contains details of all disbursements made by a day care center. The information should be maintained in date order and summarized periodically, generally monthly. It is a source of information for many reports needed by the organization. Exhibit 6 is an example of a typical page in a cash disbursements book.

- Payroll Book - Pay data for each employee of the organization is accumulated in the payroll book. (A payroll book for a small organization can be purchased in an office supply store for about $3). For each pay period, a payroll listing of all employees and their earnings is prepared. An example and instructions for preparation of a payroll book page are given in Exhibit 7. As shown on the exhibit, the person preparing the payroll should also update the cumulative payroll data for each employee, and, thereby, create an "earnings history" for each employee. See Exhibit 7A. When this book is used, the only information entered in the cash disbursement book would be the actual cash disbursements.

This information is most important as it will become the basis for reports submitted to Federal, Local and State authorities.

- Petty Cash Book - Many times it will be impractical to write a check, especially for a small amount (e.g. $1.00 for postage, $.50 for milk). The simplest way to deal with these expenses, and at the same time properly record them, is by use of a petty cash fund. To start a small petty cash fund, a check is drawn on the regular bank account for a small dollar amount, say $50, and cashed at the bank. A metal box with a lock should be purchased to house the cash. Each time money is spent from the box, the amount and reason for the expense is recorded in the petty cash book. All supporting documentation, such as bills, should be retained. (A page in the petty cash book would be similar in format to that of a cash disbursement book - See Exhibit 6). The total expenses plus the cash left in the box should always equal $50.00. Periodically, as needed, a check is written in the amount required to restore the petty cash fund to the original $50 level. At that point, the amounts recorded in the petty cash book should also be summarized and recorded in total in the cash disbursement book, with distribution of the total to the various expense categories made as appropriate. It is important to show expenses in enough detail ($10.00 to A.& P.) without so much detail as to make the records hard to read ($.26 milk, $.40 grapes, etc.) All supporting documents for each disbursement check should be filed together in a file section called "petty cash." A new page should be started in the petty cash book after each reimbursement. The term "imprest" is usually used to describe a fund which is maintained at a constant amount in the way described above.

- Supporting Records - The purpose of these records is to substantiate all cash disbursements. As with cash receipts, they can be either detailed worksheets or specific documents.

  An example of a detailed worksheet would be the payroll listing mentioned above under Payroll Book.

  Specific documents to be kept might include bills, agreements and other records relating to cash disbursements. All such supporting documentation should be filed in some systematic fashion, such as chronologically by date paid, or alphabetically by person or vendor to whom payment was made.

3. Controls. Controls serve two major functions. The first is to safeguard the center's money and the rest of its assets. The second is to ensure that information is recorded properly into the records of the center. Controls should be comprehensive enough to perform their functions (e.g. Two people must sign each check) without being so complicated that no work can be done (e.g. Ten people must sign each check).

Some of the controls you might use are listed below. This is not a complete list of controls nor is every control tailor-made for your needs. If your center needs advice on its controls, it should consult with the City or its accountants. You might also want to contact some other centers and see what kind of controls they have in effect.

ACCOUNTING

a. Controls over cash receipts. The center should issue written receipts to parents for all payment received. Forms for such receipts can be purchased cheaply in any office supply store. They should be prenumbered and should be issued in numerical sequence. The form should provide for two copies, one of which should be retained by the center.

- Where parent fees and other minor amounts are involved, it might be convenient for the center to accumulate a certain amount, say $35 or $50, before making a deposit. All money received should be deposited in a bank checking account. Thus, the frequency of each deposit will depend on the particular circumstances but all money should be deposited. Under no circumstances should large amounts, say over $50, either in the form of cash or checks, be allowed to remain undeposited at the end of the day.

- Someone should follow up regularly, say every week, on all parent fees that are overdue.

- The Executive Director should periodically review the records to determine that all information recorded is close to the budget. If it is not, the reason for the difference should be located and corrected.

b. Controls over cash disbursements.

- All invoices received should be reviewed and approved by the Executive Director or equally responsible party (other than the bookkeeper) before payment.

- Only certain responsible individuals should be authorized to sign checks. The Board of Directors should pass a resolution specifically designating who should have check-signing authority.

- Checks should be issued in numerical sequence and periodically checked to ensure that no checks are missing.

- All checks should be required to have two signatures. The second signer should be a member of the Board of Directors, or other official. The resolution of the Board authorizing the bank account and check signers should specifically cover this point.

- The petty cash system should be maintained on an imprest basis. See page 230 for a definition of such a system and how to use it.

- All bills, when paid, should be marked clearly to prevent their being paid twice. The following information should be noted on the copy of the bill retained by the center: check number by which the bill was paid, date, and the initials of the person approving payment.

- Sign-in sheets for all personnel should be reviewed by the Executive Director and approved before the presentation of the payroll.

- The cash disbursements book should be reviewed periodically by someone other than the bookkeeper and compared to the budget which summarizes the expense forecast for the period.

- Reconciliation of any bank accounts should be performed monthly and if possible checked by someone other than the bookkeeper. (A reconciliation involves determining what makes up the difference between the month-end balance shown by the bank on its statement and the balance in the center's checkbook). Exhibit 9 shows a layout that might be utilized in reconciling the bank statement balance to the balance shown in the center's checkbook.

4. Reports.

a. Purpose. Reports are a summary of certain transactions for a specific time period. There are two types of reports that you will be dealing with, internal reports and external reports.

Internal reports are for use inside the center, such as a budget report. Management in each center decides the type of reports they need for internal purposes.

External reports are those reports which must be submitted to people or authorities outside the center. These reports are discussed in this section.

Exhibit 8 is a calendar of tax and other report filing dates which must be met to comply with various Federal, State and City requirements. It lists the form to be used, describes it, and indicates by a filing code where the form may be obtained and filed. Below is a description of some of the forms and reports in Exhibit 8 which require a more detailed explanation. In addition, some forms and reports not covered in Exhibit 8 are mentioned here. Your accountant may also be contacted for assistance on all these reports.

Federal Forms and Reports

Form SS-4-(Employer Identification Number)

As soon as the day care center is formed, this form must be filed with the Internal Revenue Service office with which the Federal tax returns are to be filed. The bottom half of this form will be returned to the center showing the center's federal employer's identification number. The federal number will also be used as the New York State and City identification numbers.

Form 940 - (Federal Unemployment Tax)

Since tax-exempt charitable organizations are exempt from coverage and cannot elect it, a day care center which has applied for and/or received a federal tax exemption (see Section VI, Part 4) does not have to file this form.

Form 941 - (Employer's Quarterly Federal Tax Return)

This is a federal quarterly return due April 30, July 31, October 31, and January 31. It reports federal income and social security taxes withheld from employees. Organizations that report only withheld income taxes should use Form 941E. Either form may be filed at the Internal Revenue Service Center for your region. The return must be on time or a penalty of 5% per month will be invoked. Since the penalty is for late filing of the form and not late payment, always file on time, even if payment cannot be made of the balance due, and attach a note saying payment will be made later. This should only be done if cash funds are not available at the due date. The balance due is the amount owed less the amount deposited with Form 501 mentioned below.

Employees of a tax exempt charitable organization are exempt from social security. They may as a group elect to be covered and this election is recommended. If you wish to be covered, consult with your accountant.

Form 501 - (Federal Depositary Receipts)

This form is used to deposit all withheld federal income tax and social security tax. Payments should be made to your local bank and reflected as payments on Form 941 mentioned above.

The requirements for filing are as follows:

EMPLOYERS WITH UNDER $200 LIABILITY PER QUARTER:

No deposit is required of these employers. The total liability is remitted with the quarterly return on or before the last day of the month following the close of the quarter.

EMPLOYERS WITH OVER $200 LIABILITY PER QUARTER BUT LESS THAN $200 LIABILITY IN ANY MONTH:

If at the end of the first month in the quarter the cumulative liability is less than $200 but by the end of the second month it is $200 or more, the employer must deposit such cumulative amount by the 15th day of the third month in the quarter. The liability for the third month is either deposited or remitted with the Form 941 for that quarter.

If the cumulative liability does not reach $200 until the third month the total is either deposited or remitted with the Form 941 for that quarter.

EMPLOYERS WITH $200 BUT UNDER $2,000 LIABILITY PER MONTH:

For each of the first two calendar months in the quarter, a deposit is required on or before the 15th day of the succeeding month. For the last month in the quarter, employers will not have to deposit until the last day of the month following the close of the quarter.

EMPLOYERS WITH $2,000 OR OVER LIABILITY PER MONTH:

If on the 7th, 15th, 22nd, or last day of the month, the cumulative liability is $2,000 or more, a deposit is required within the next 3 banking days.

Form W2 - (Federal Wage and Tax Statement)

This form is prepared by the employer for each employee and shows total wages earned, federal income tax withheld, and social security tax withheld for the year. Copy A of the form is filed with the IRS (see W3 below), copies B & C are given to the employee prior to January 31 and the last copy is retained by the day care center.

Form W3 - (Reconciliation of Income Tax Withheld)

When the employer files Form 941 for the last quarter of the calendar year, the employer must also transmit copy A of all Forms W-2 issued for the year together with Form W-3 to the Internal Revenue office with which he files Form 941.

Form W4 - (Federal Employee's Withholding Exemption Certificate)

This form is prepared by each new employee and indicates his marital status and number of dependents. It is used as the basis for federal, state and city income tax withholdings.

Circular E - (Employer's Tax Guide)

This is a Manual describing the various federal payroll requirements. It can be obtained by writing to the Internal Revenue, 120 Church Street, New York, New York 10007.

Form 1099 - (Information Return)

This form is filed for any person who is not an employee of the organization but has been paid fees, commissions, or other compensation in excess of $600 for services rendered to the day care center. (Examples might be the center's accountant and attorney). Copy A should be filed by February 28 with the local office of the IRS, Copy B should be sent to the person who received the payment by January 31. Copy C is retained by the day care center. Forms can be obtained from your local IRS office.

Form 1096 - (Annual Information Return)

This form is prepared and filed by February 28 along with all Copy A's of the Form 1099. Forms can be obtained from and filed at your local IRS office.

New York State (NYS) Form and Reports

IT-2101-SM - (Employer's Semi-monthly Return of Personal Tax Withheld)

This form is used if you expect to withhold $3,000 or more of tax for each semi-annual period ending June 30 or December 31. The return and payment is required to be filed within 3 banking days after the 15th day of each calendar month for the first 15 days of such month and within 3 banking days after the last day of each month for the balance of the month (except that the return and payment for tax withheld for the second semi-monthly period in December is due on or before January 31 of the following year.)

IT-2101-M is used if you expect to withhold at least $300 on NYS income tax but less than $3,000 in a six month period. The return is due by the 15th of each month (except in January when due the 31st) and covers the preceding month's withholdings. Payment and filing is made with the New York State Income Tax Bureau, The State Campus, Albany, New York, 12226. If less than $300 is expected to be withheld in a six month period, the procedures are the same as above except Form IT-2101-S is used and it is filed semi-annually by July 31 and January 31. Annual returns are required on Form IT-2101-A if the withholding tables require no withholding. The return is due on or before February 28 of the following year.

Form IT-2102 - (NYS Wage and Tax Statement)

This form is NYS's counterpart to the Federal Form W2 discussed above. Copies 1 and 2 are given to the employee by January 31, copy 3 is retained by the center, and copy 4 is filed with the New York State Income Tax Bureau by February 28.

Form IT-2103 - (Reconciliation of New York State Personal Income Tax Withheld)

This is similar to the Federal Form W3 mentioned above. It is filed by February 28 with copy 4 of Form IT-2102 (mentioned above) at the NYS Income Tax Bureau, Division 74, The State Campus, Albany, New York 12226.

Form IT-2100 - (Employer's Instructions, Tables, and Methods)

This is actually a Manual describing the above mentioned NYS payroll tax requirements. It can be obtained by writing to the NYS Income Tax Bureau, Administration Unit, Albany, New York 12226.

Form IA-5 - (State Unemployment Insurance Tax Report)

Effective January 1, 1971, non-profit organizations which paid cash remuneration of $1,000 or more in any calendar quarter will be liable for State unemployment insurance, with liability beginning as of the first day of the quarter. When the employer first becomes liable for the unemployment insurance tax, he should file form IA 100, an information return. In addition, Form IA-5 must be prepared and filed with payment quarterly as of January 31, April 30, July 31, and October 31. The form may be obtained from NYS Department of Labor, Division of Employment, State Office Building Campus, Albany, New York 12201. The rate of tax to be applied against the first $3,000 of each employee's earnings will be given each year to the employer by the New York State Department of Labor.

Information and forms may also be obtained from the New York State Department of Taxation and Finance, 80 Centre Street, New York, New York 10013. Telephone: 488-4141.

IT-2102.1 and IT-2102.4

These forms are similar to and serve the same purposes as the Federal Forms 1096 and 1099. They should be filed by February 28th with the NYS Income Tax Bureau, The State Campus, Albany, New York 12226.

Forms DSS 497 and 497A

If the center has received more than $25,000 in contributions during the fiscal year, (or if less, it has paid any person for fund raising functions), it must file an Annual Report with the State Department of Social Services (Form DSS 497). If the center has received less than $25,000 in contributions, and has paid no one for performing a fund raising service, it must file the Short Form Annual Report for Charitable Organizations with the State Department of Social Services (Form DSS-408A)

Other

The State is currently in the process of formulating the regulations required under the Youth Facilities Act. The reports that will be required are not known at this time.

NYCF2

The center must file with the State Attorney General an Annual Report of a Charitable Organization.

New York City (NYC) Forms and Reports

Form NYC-1M - (Employer's Monthly Return of New York City Personal Income and Earnings Tax Withheld)

This form is used if monthly withholding is $25 or more and if semi-annual withholdings are expected to be at least $150. The form is to be filed by the 15th of the month (except in January when filed by the 31st) along with payment for the full amount of City tax withheld during the preceding month with the City of New York, Finance Administration, Box 3800, General Post Office, New York, New York 10001. If withholdings are less than indicated above, the same applies except Form NYC-1S is used and is filed semi-annually by July 31 and January 31. Annual returns are required on Form NYC-1A if the withholding tables require no withholding. The filing date is February 28 of the following calendar year.

Form NYC-2 - (Personal Income and Earnings Tax Wage and Withholding Statement)

This form is similar to and serves the same purpose as the

Federal W2. Copy A is filed with NYC Department of Finance by February 28th along with Form NYC3 mentioned below. Copy D is kept by the Employer. Copy B and C are given to the employee by January 31.

Form NYC-3 - (Reconciliation of NYC Income and Earnings Tax Withheld)

This is similar to Federal Form W3. It is filed with the City of New York, Department of Finance, Income Tax Bureau, Department 3, 354 Broadway, New York, New York 10013 along with Form NYC2, Copy A by February 28th.

Form NYC-21 - (Employer's Instructions, Tables and Methods)

This is actually a Manual that describes the various NYC payroll requirements and can be obtained by writing to the City of New York, Department of Finance, 354 Broadway, New York, New York 10013.

Form CR-Q - (Commercial Rent Tax Return)

Non-profit institutions are exempt from the NYC commercial rent and occupancy taxes and should inform the City of their tax exempt status by letter to the same address as in Form NYC-21 above.

III. Office Management

The following pages contain some suggestions for various office management practices which represent good procedures, although in any given situation all of them might not be necessary. Each center should use those procedures which are advisable in the circumstances.

A. Purchasing

1. In most instances, payments for all purchases should be made from a checking account. The only exception should be small purchases paid out of petty cash. A maximum amount should be established for purchases paid from petty cash.

2. The center should be alert for discounts which might be allowed on purchases of large quantities, or if payment is made within a specific time.

3. Several merchants should be approached to find the best bargains. This comparative shopping is particularly important when large dollar amounts are involved.

4. If many purchases are made from the same vendor, the center should arrange for monthly or semi-monthly payments to decrease the number of checks which must be written.

5. An official should be responsible for purchasing, particularly for large amounts.

6. The Executive Director's review process should include a procedure to ascertain that all items purchased are actually received.

B. Personnel

1. Personnel files for each employee should include:

- Earnings record (May be part of payroll book).
- Employment contract or other record of agreement, with any amendments.
- Employee's withholding exemption certificate (Form W-4).

2. Written policies regarding all personnel should include:

- Assignment of authority to hire and fire to a particular person (Executive Director) or to the board of directors.
- Description of procedures and criteria used to evaluate employees' performance, together with statement of how often an evaluation is to be performed.
- Use of "sign-in" sheets for all employees.
- Statement of duties.
- Rules regarding vacation time, taking of compensatory time off, sick days, absence from work or appointments, and any other items necessary in the circumstances.

C. Security

1. Maintain a list, including serial numbers or other identifying information, of:

- Furniture and fixtures
- Office equipment, such as typewriters and adding machines.
- Other assets.

2. Secure petty cash, unused checks, and other valuables in locked cabinets.

3. Where possible, keep files and other essential documents in fireproof containers.

4. Obtain adequate insurance covering the following:

- Fire
- Theft
- Public liability
- Fidelity bond
- Workmen's compensation
- Disability insurance

Contact an insurance agent for advice.

IV. Exhibits

Number	Description
1	Budget
2	Flow chart of cash receipts system
3	Flow chart of cash disbursements system
4	Cash receipts book page
5	Parent fee listing
6	Cash disbursements book page
7	Payroll book page
7A	Quarterly earning record
8	Tax calendar
9	Bank reconciliation format

EXHIBIT 1

BUDGET FORMAT - DAY CARE CENTERS
Assuming 00 children enrolled

Expenses:

Salaries and wages:

0 Director at $00,000 annually	$ 00,000
0 Teachers at $ 0,000 annually	00,000
0 Assistant teachers at $0,000 annually	00,000
0 Teacher aids at $0,000 annually	00,000
0 Bookkeeper/clerk at $0,000 annually	00,000
0 Helper at $0,000 annually	00,000
Janitor-00 hours/week @$0.00/hour for 00 wks	00,000
Cook-00 hours/week @$0·00/hour for 00 weeks	00,000
	$ 00,000

Payroll taxes and other employee benefits (Calculate percent that payroll taxes and benefits are to salaries and wages. Apply this percent to projected salaries and wages of $00,000)	$ 00,000
Food (so much per child)	00,000
Rent or mortgage payment (Say $000 per month)	00,000
Heat, gas and electricity (1)	00,000
Repairs and maintenance (1)	00,000
Supplies, equipment and laundry (1)	00,000
Insurance (Based on current policies)	00,000
Telephone and postage (1)	00,000
Health service (1)	00,000
Total expenses	$000,000

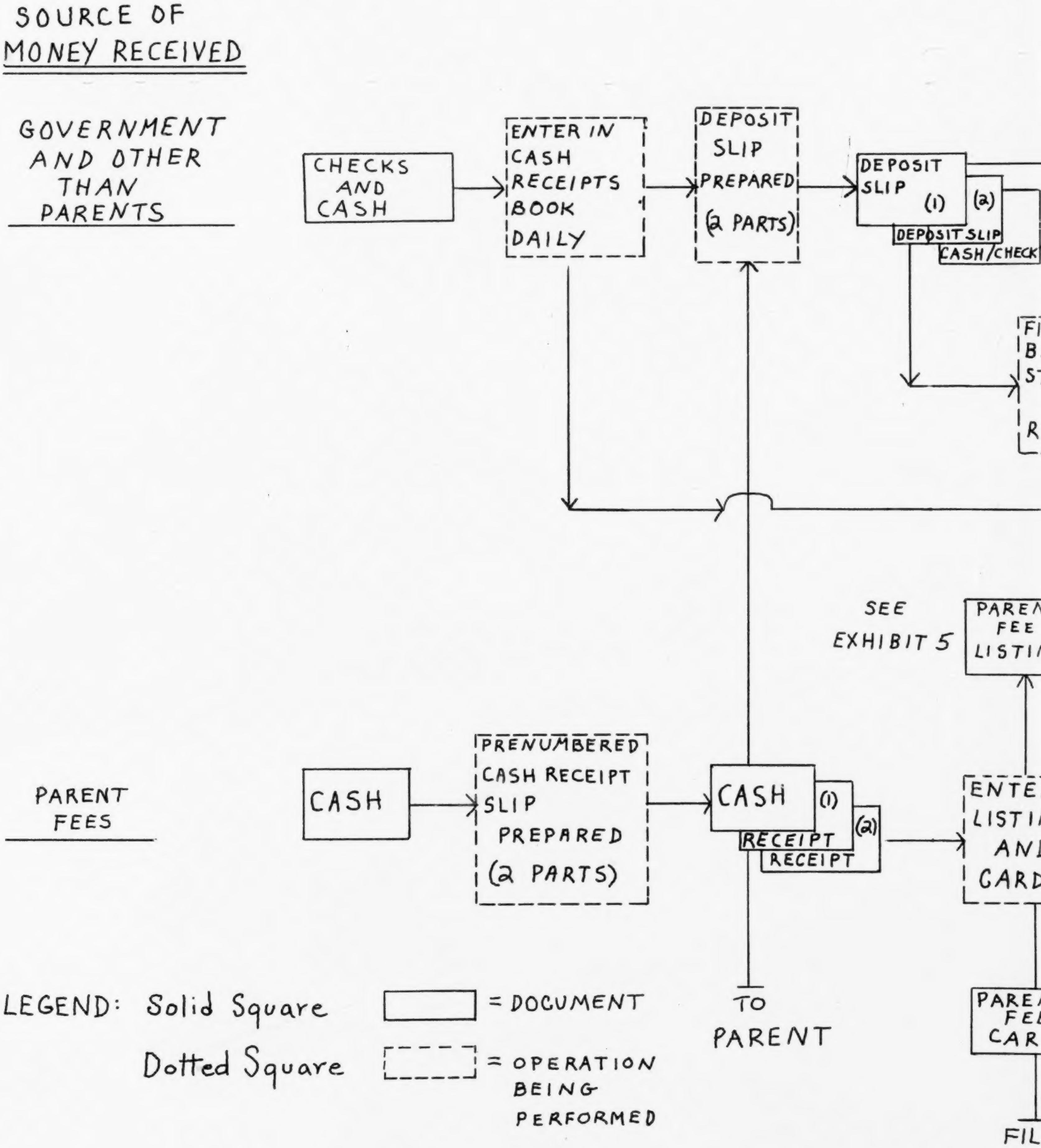
Source of Funds:

City (00% of total expenses)	$ 00,000
Parent fees (0% of total expenses)	00,000
Other (0% of total expenses)	00,000
Total funds	$000,000

(1) Based on the Center's historical average, city guideline, or the expense history of another similar day care center.

EXHIBIT 2

DIAGRAM OF CASH RECEIPTS PROCEDURE


SOURCE OF MONEY RECEIVED
GOVERNMENT AND OTHER THAN PARENTS
CHECKS AND CASH
ENTER IN CASH RECEIPTS BOOK DAILY
DEPOSIT SLIP PREPARED (2 PARTS)
DEPOSIT SLIP (1) (2)
DEPOSIT SLIP
CASH/CHECK
SEE EXHIBIT 5
PARENT FEES
CASH
PRENUMBERED CASH RECEIPT SLIP PREPARED (2 PARTS)
CASH (1) (2)
RECEIPT
RECEIPT
TO PARENT
LEGEND: Solid Square = DOCUMENT
Dotted Square = OPERATION BEING PERFORMED

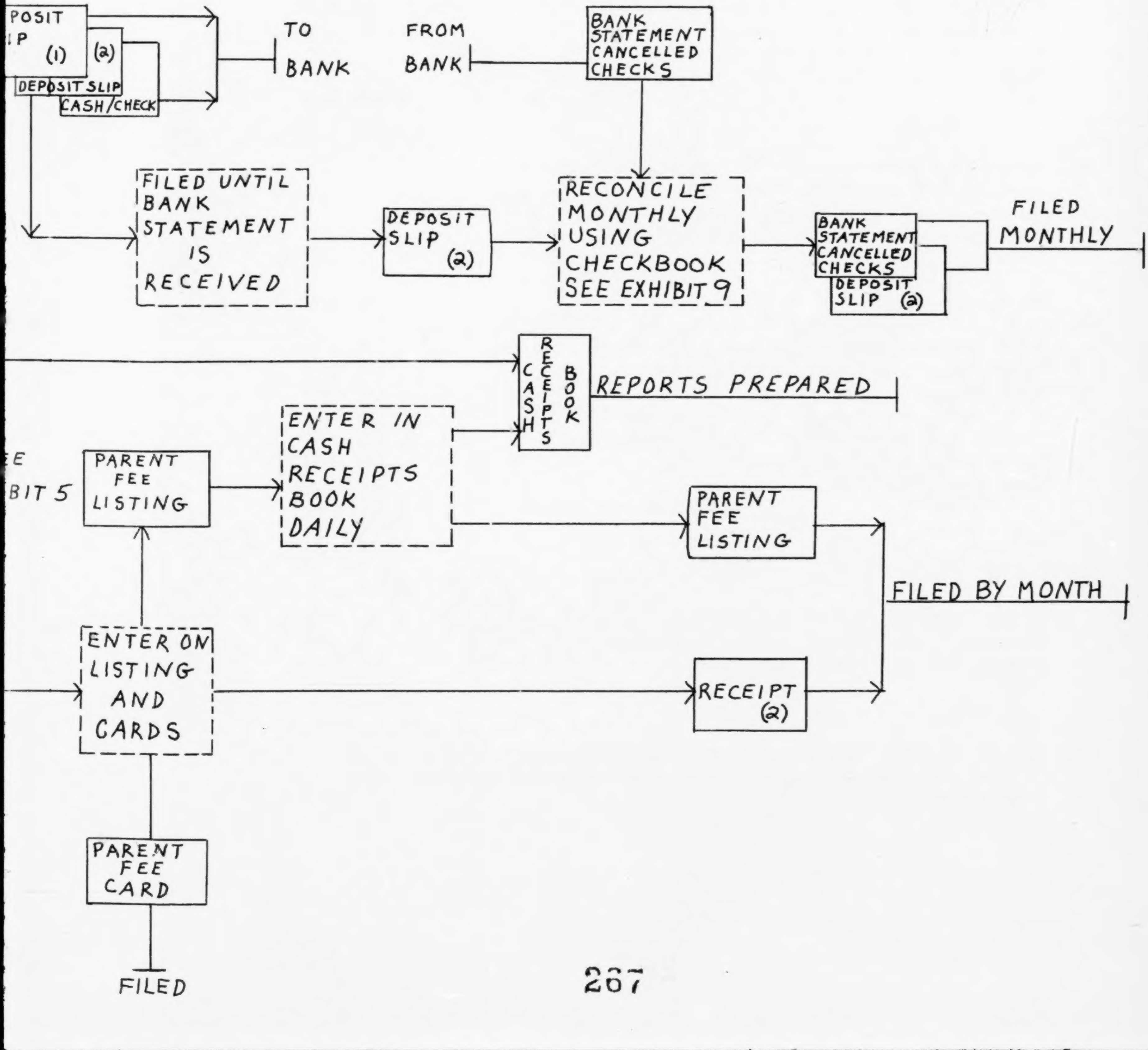
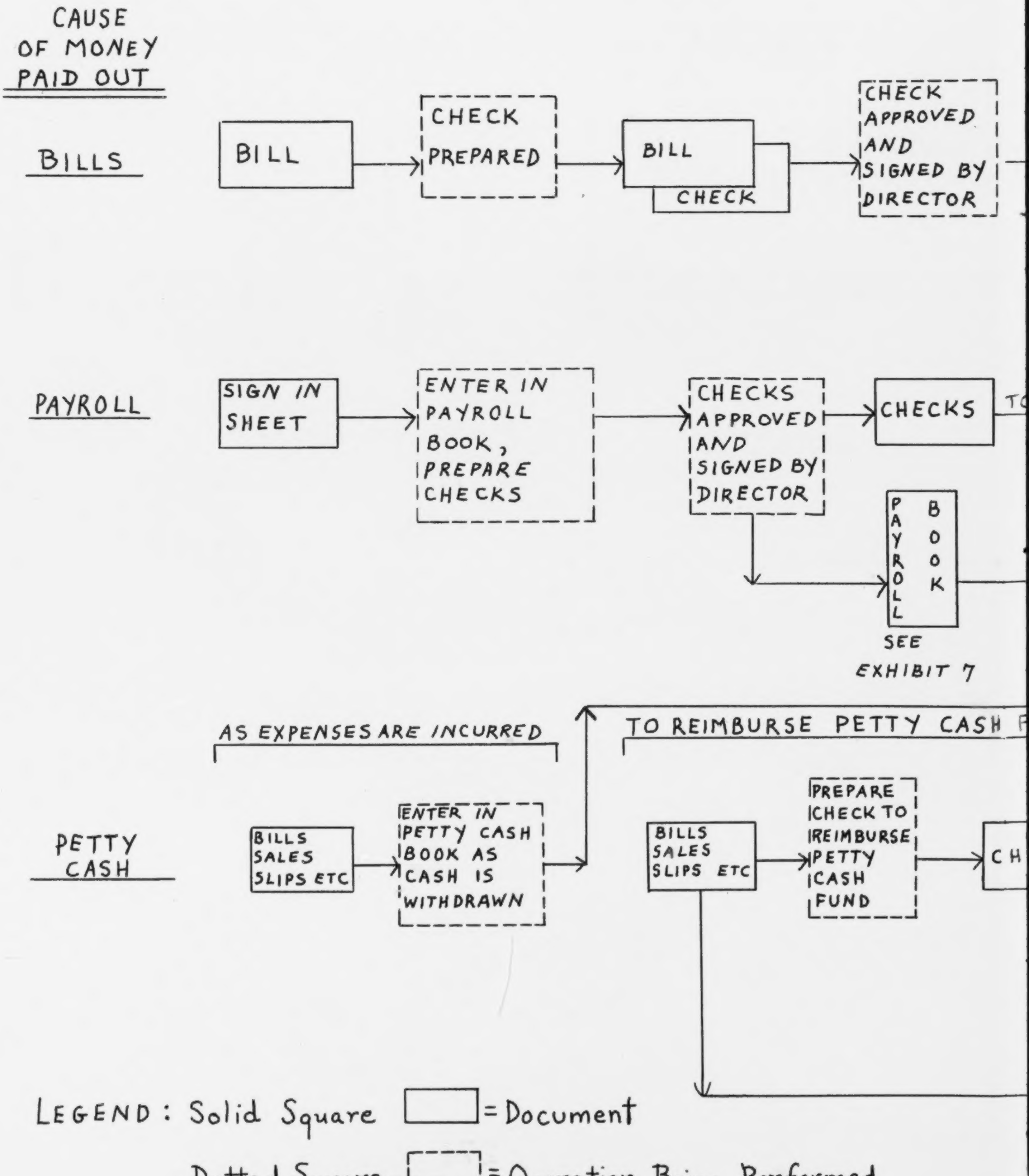

POSIT
IP
(1)
(2)
DEPOSIT SLIP
CASH/CHECK
TO
BANK
FROM
BANK
BANK
STATEMENT
CANCELLED
CHECKS
FILED UNTIL
BANK
STATEMENT
IS
RECEIVED
DEPOSIT
SLIP
(2)
RECONCILE
MONTHLY
USING
CHECKBOOK
SEE EXHIBIT 9
BANK
STATEMENT
CANCELLED
CHECKS
DEPOSIT
SLIP (2)
FILED
MONTHLY
CASH
RECEIPTS
BOOK
REPORTS PREPARED
EE
BIT 5
PARENT
FEE
LISTING
ENTER IN
CASH
RECEIPTS
BOOK
DAILY
PARENT
FEE
LISTING
FILED BY MONTH
ENTER ON
LISTING
AND
CARDS
RECEIPT
(2)
PARENT
FEE
CARD
FILED

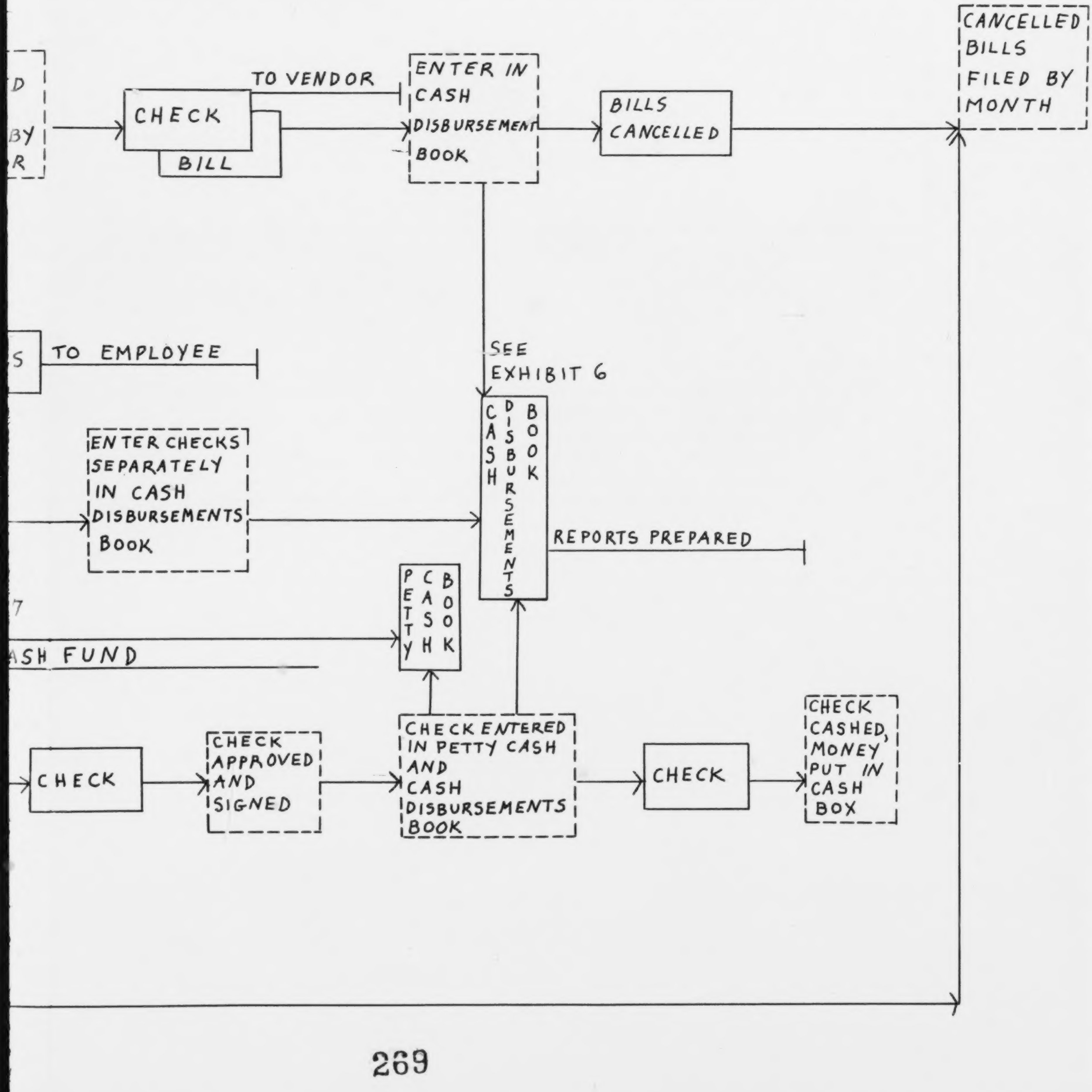
EXHIBIT 3

DIAGRAM OF CASH DISBURSEMENTS PROCEDURE


CAUSE OF MONEY PAID OUT
BILLS
BILL
CHECK PREPARED
BILL
CHECK
CHECK APPROVED AND SIGNED BY DIRECTOR
PAYROLL
SIGN IN SHEET
ENTER IN PAYROLL BOOK, PREPARE CHECKS
CHECKS APPROVED AND SIGNED BY DIRECTOR
CHECKS
TC
PAYROLL BOOK
SEE EXHIBIT 7
PETTY CASH
AS EXPENSES ARE INCURRED
TO REIMBURSE PETTY CASH F
BILLS SALES SLIPS ETC
ENTER IN PETTY CASH BOOK AS CASH IS WITHDRAWN
BILLS SALES SLIPS ETC
PREPARE CHECK TO REIMBURSE PETTY CASH FUND
CH

LEGEND: Solid Square ☐ = Document

Dotted Square ⬚ = Operation Being Performed


D
BY
R
CHECK
BILL
TO VENDOR
ENTER IN CASH DISBURSEMENT BOOK
BILLS CANCELLED
CANCELLED BILLS FILED BY MONTH
S
TO EMPLOYEE
SEE EXHIBIT 6
CASH DISBURSEMENTS BOOK
ENTER CHECKS SEPARATELY IN CASH DISBURSEMENTS BOOK
REPORTS PREPARED
7
ASH FUND
PETTY CASH BOOK
CHECK
CHECK APPROVED AND SIGNED
CHECK ENTERED IN PETTY CASH AND CASH DISBURSEMENTS BOOK
CHECK
CHECK CASHED, MONEY PUT IN CASH BOX

Our Day Care Center
Cash Receipts Book
Page 10 Oct., 19__

Date	Name		Total	N.Y. State	N.Y. City	Parent Fees
10/02	---		9,000.00		(1) 9,000.00	
10/09	---		296.00			
10/23	Help Foundation		4,000.00			
10/31	---		71.50			(2) 71.50
			(5) 13,367.50		9,000.00	(6) 71.50

1) Total actual expense for quarter ended 9/30 was $27,000.00. 1/3 X 27,000.00 = 9,000.0
2) Total from Parents Fee Listing (Exhibit 5).
3) Monthly contribution by Sponsoring Agency.
4) Funding from private agency for special program.
5) See Bank Reconciliation (Exhibit 9).
6) Deposit received in month of Oct. deposited too late to be on bank statement (Exhibit

EXHIBIT 4

City	Parent Fees	Sponsoring Agency	Other		Date Deposited	
,000.00					10/02	
		(3) 296.00			10/09	
			(4) 4,000.00		10/23	
	(2) 71.50				10/31	
,000.00	(6) 71.50	296.00	4,000.00			

00. 1/3 X 27,000.00 = 9,000.00.

be on bank statement (Exhibit 9).

EXHIBIT 5

PARENT FEE LISTING

Date Collected	Child's Name	Amount Received	
10/31	John Jones	$ 2.00	
10/31	Mary Jones	2.00	
10/31	Peter Smith	3.00	
10/31	Jimmy Johnson	1.50	
10/31	Other fees collected (detail not shown in this example)	60.00	Note A
10/31	Jimmy Doe	3.00	
	Total receipts for day	$71.50	Note B

Note A:

The support for all collections is the duplicate copy of receipts given to parents when the actual payments are received from them.

Note B:

This amount is entered in the cash receipts book. (see EXHIBIT 4)

CASH DISBURSEMENTS BOOK PAGE

Check #	Date Paid	Payee	Total	Salaries	Health	Tele-phone, Postage	Equip-ment	Play	Office	Med
128	10/02	Meat Market	194.75							
129	10/03	Food Market	155.00							
130	10/04	Doctor	50.00							5
131	10/05	Petty Cash (1)	26.00			4.00			8.00	
132 to 137	10/06	Payroll (2)	610.58	610.58						
140 to 161	10/07 10/29	Various	7,500.00	2,600.00	450.00	150.00	450.00	130.00	230.00	40
162	10/30	Mortgage	1,000.00							
Bank Memo	10/31	Bank Service Charge	5.25							
	Total for month Total year to date		9,541.58(3)	3,210.58	450.00	154.00	450.00	130.00	238.00	45

(1) See petty cash book procedures in text area of Manual. This check represents one of the rec required to replenish the petty cash fund to its maximum level, say $50.00. The detail trans this total would be recorded in the petty cash book.

(2) See EXHIBIT 7. Note that the City requires that all payroll checks should be entered in the book. Only total net salaries are shown in this Exhibit to keep the example as simple as po

(3) See Exhibit 9.

Tele-phone, Postage	Equip-ment	Play	Office	Medical	House-hold	Laundry	Food	Rent	Heat	Ga
							194.75			
							155.00			
				50.00						
4.00			8.00		8.00	3.00				
150.00	450.00	130.00	230.00	400.00	280.00	150.00	2,000.00		20.00	20.0
								1,000.00		
154.00	450.00	130.00	238.00	450.00	288.00	153.00	2,349.75	1,000.00	20.00	20.0

is check represents one of the recurring reimbursements
level, say $50.00. The detail transactions making up

ll checks should be entered in the cash disbursements
o keep the example as simple as possible.

Exhibit 6

June, 19__

od	Rent	Heat	Gas	Light	Minor Repairs	Insur-ance	Social Secur.	Major Repairs	Other
94.75									
55.00									
					3.00				
00.00		20.00	20.00	20.00	140.00	160.00		300.00	
	1,000.00								
									5.25
49.75	1,000.00	20.00	20.00	20.00	143.00	160.00		300.00	5.25

Our Day Care Center
Payroll Book
Page 10   Oct., 1971

	A	B	C	D	E	
			EARNINGS	TAXABLE EARNING	DEDUCTIONS	
NAME	CHECK #	TOTAL HOURS	TOTAL PAY	FICA	FICA TAX (1)	W/H
Monroe, Peter L.	132	40	$120.00	$120.00	5.76	
Various	133-138		570.00	570.00	27.36	
John Q., Director	139	S	200.00	200.00	9.60	
Totals	132-139 (2)		890.00	890.00	42.72	

S = Salaried
1 = 4.8% of D until person earns $7800.00. Check yearly with your accountant for new rat
2 = Records in cash disbursements book.

A = Payroll check number.

EXHIBIT 7

E	F	G	H	I	J	K
DEDUCTIONS						
FICA TAX (1)	U.S. W/HOLD TAX	STATE W/HOLD TAX	CITY W/HOLD TAX	DISAB.	TOTAL	NET
5.76	18.00	2.70	.65	.30	31.21	88.79
27.36	131.40	41.00	5.90	1.80	203.66	366.34
9.60	28.20	5.40	1.05	.30	44.55	155.45
42.72	177.60	49.10	7.60	2.40	279.42	610.58

ountant for new rates.

250

EMPLOYEE'S EARNING RECORD

NAME: Monroe, Peter L.
ADDRESS: 1283 Willough St.
New York, N.Y. 10031 PHONE: 267-4183 RATE: $3/hr.

MALE ✓ FEMALE ___ MARRIED ___ SINGLE ___ NO. OF EXEMPTIONS 1 SOCIAL SECUR

	REG. HOURS	O.T. HOURS	TOTAL HOURS	TOTAL PAY	CUMULATIVE TOTAL	FICA TAX
THIRD QUARTER					1,920.00	88.00
10/3		(1)	40	120.00	2,040.00	5.76
10/10			40	120.00	2,160.00	5.76
10/17			40	120.00	2,280.00	5.76
10/24			40	120.00	2,400.00	5.76
10/31			40(2)	120.00	(2) 2,520.00	5.76 (2)
					(3)	
FOURTH QUARTER						

(1) Taken from daily time sheets.
(2) Goes to payroll book.
(3) A running total is kept weekly of total pay.

Note - Payroll information is kept quarterly by employee and can be used for quarterly and weekly payroll information.

A payroll deducation chart may be purchased at any office supply store.

EXHIBIT 7A

SOCIAL SECURITY NO. 123-45-6789 EMPLOYEE NO. 22

FICA TAX	FEDERAL INCOME TAX	STATE W/HOLD TAX	CITY W/HOLD TAX	DISAB.	NET AMOUNT	CHECK #
88.00	285.00	142.40	12.00	5.00		
5.76	18.00	2.70	.65	.30	88.79	53
5.76	18.00	2.70	.65	.30	88.79	76
5.76	18.00	2.70	.65	.30	88.79	88
5.76	18.00	2.70	.65	.30	88.79	100
5.76 (2)	18.00 (2)	2.70 (2)	.65 (2)	.30 (2)	88.79(2)	132(2)

CALENDAR OF TAX AND OTHER FILING DATES

Form number	Form description	Filing code (see Exhibit 8 Page 2	Initially	Jan. 31	Feb. 15	Feb. 28	Mar. 15
	FEDERAL						
SS-4	Employer's Identification Number	(1)	X				
941	Employer's Quarterly Federal Return	(1)		X			
501	Monthly Federal Tax Deposit	(6)			(B) X		(A)(B) X
W2, Copy A	Federal Wage and Tax Statement	(1)		X			
W2, Copies B & C	Federal Wage and Tax Statement	(2)		X			
W3	Federal Reconciliation of Income Taxes Withheld	(1)		X			
1099, Copy A	Federal Information Return	(1)				X	
1099, Copy B	Federal Information Return	(3)		X			
1096	Federal Annual Information Return	(1)				X	
990	Return of Organization Exempt From Income Tax	(15)					
1023	Application for Tax-Exempt Status	(16)	X				
	STATE						
DSS657	Registration Statement of Charitable Organization	(10)	X				
NYCF-1	Registration of Charitable Trust or Charitable Corporation	(11)	X				
IT-2101-M	Employer's Monthly Return of Personal Tax Withheld	(4)		X	X		X
IT-2101-S	Employer's Semi-Annual Return of Personal Tax Withheld	(4)		X			
IT-2101-A	Employer's Annual Return of Personal Tax Withheld	(4)				X	
IT-2102:							
Copies 1 & 2	NYS Wage and Tax Statement	(2)		X			
Copy 4	NYS Wage and Tax Statement	(9)				X	
IT-2103	NYS Reconciliation of Tax Withheld	(9)				X	
IT-2102.1	NYS Information Return	(4)				X	
IT-2102.4	NYS Transmittal Form	(4)				X	
IA-100	Report to Determine Liability Under NYS Unemployment Insurance Law	(7)	X				
IA5	NYS Unemployment Insurance Report	(7)					
NYCF-2	Annual Report of a Charitable Organization	(11)					
DSS 497 or 497 A	Annual Report for Charitable Organizations	(10)		X			
	CITY						
NYC-1M	Employer's Monthly Return of NYC Personal Income and Earnings Tax Withheld	(5)		X	X		X
NYC-1S	Employer's Semi-Annual Return of NYC Personal Income and Earnings Tax Withheld	(5)		X			
NYC-1A	Employer's Annual Return of NYC Personal Income and Earnings Tax Withheld	(5)				X	
	(A) Employers with over $200 liability per quarter but less than $200 liability in any month. (B) Employers with $200 but under $2,000 liability per month.						
NYC-2, Copy A	Personal Income and Earnings Tax Wage and Withholding Statement	(8)				X	
NYC-2, Copies B & C	Personal Income and Earnings Tax Wage and Withholding Statement	(2)		X			
NYC-3	Reconciliation of NYC Income and Earnings Tax Witheld	(8)				X	
M874E	Recapitulation of the Attendance Record for the Month	(12)(13)					
M874D	Daily Attendance and Fee Record for the Month	(12)(13)					
M874C	Staff Attendance (Regular Staff)	(12)(14)					
M874B	Staff Attendance (Substitute Staff)	(12)(14)					
M874J	Report of Expenditures and Income for the Quarter	(12)(14)					
M876Z	Actual versus Estimated Cost Comparison	(12)					
M876Y	Application for Public Funds	(12)					
M876B	Budget Estimate for Staff	(12)					
M876H	Plan of Operation and Budget for Day Care Center	(12)					

Exhibit 8
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251.

ING DATES

								Due dates										
Jan 31	Feb. 15	Feb. 28	Mar. 15	Apr. 15	Apr. 30	May 15	June 15	July 15	July 31	Aug. 15	Sept. 15	Oct. 15	Oct. 31	Nov. 15	Dec. 15	Monthly	Quarterly	Annually
X					X				X				X					
	(B) X		(A)(B) X			(B) X	(A)(B) X			(B) X	(A)(B) X			(B) X	(A)(B) X			
X																		
X																		
X																		
		X																
X																		
		X																
																		X
X	X		X	X		X	X	X		X	X	X		X	X			
X									X									
		X																
X																		
		X																
		X																
		X																
		X																
																		X
X					X				X				X					X
X	X		X	X		X	X	X		X	X	X		X	X			
X									X									
		X																
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																	X	
																		X
																		X
																		X
																		X

EXHIBIT 8
p. 2

FILING CODE

(1) Internal Revenue Service Center
310 Lowell Street
Andover, Mass. 01812

(2) Employee

(3) Non-Employee

(4) New York State Income Tax Bureau
The State Campus
Albany, New York 12226

(5) The City of New York
Finance Administration
Box 3800
General Post Office
New York, N. Y. 10001

(6) Commercial Bank of Day Care Center

(7) New York State
Department of Labor
Division of Employment
State Office Building
Albany, New York 12201

(8) The City of New York
Department of Finance
Income Tax Bureau
Department 3, 354 Broadway
New York, N. Y. 10013

(9) New York State
Income Tax Bureau
Division 74
The State Campus
Albany, New York 12226

(10) Charities Registration Section
State Department of Social Services
1450 Western Avenue
Albany, New York 12203

(11) State of New York
Office of the Attorney General
Charitable Foundations Division
80 Centre Street
New York, N. Y. 10013

EXHIBIT 8
p. 3

FILING CODE (cont.)

(12) City of New York
Division of Day Care
80 Lafayette Street
New York, N. Y.

(13) To be filed no later than five working days after end of month.

(14) To be filed no later than fifteen working days after end of quarter.

(15) Internal Revenue Service Center
11601 Roosevelt Blvd.
Philadelphia, Pa. 19155

(16) Internal Revenue Service
120 Church Street
New York, N. Y. 10007

EXHIBIT 8A
p. 1

TAX CALENDAR

Due Date	Item	Filing Code (see Exhibit 8, p.2)	Form Number
Jan. 31	NYS Unemployment Insurance Report	(7)	IA 5
	U.S. Wage and Tax Statement	(1)	W-2, Copy A
	U.S. Reconciliation of Income Taxes Withheld	(1)	W-3
	Employer's Quarterly Federal Return	(1)	941
	U.S. Wage and Tax Statement	(2)	W-2, Copies B & C
	N.Y.S. Wage and Tax Statement	(2)	IT-2102, Copies 1 & 2
	N.Y.C. Wage and Tax Statement	(2)	NYC-2, Copies B & C
	U.S. Information Return	(3)	1099, Copy B
	N.Y.S. Monthly Withholding Returns	(4)	IT-2101-M
	N.Y.S. Semi-Annual Withholding Returns	(4)	IT-2101-S
	N.Y.C. Monthly Withholding Returns	(5)	NTC-1M
	N.Y.C. Semi-Annual Withholding Returns	(5)	NYC-1S
Feb. 15	Monthly Federal Tax Deposit	(6)	501
	N.Y.S. Monthly Withholding Return	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Return	(5)	NYC-1M
Feb. 28	U.S. Information Bureau	(1)	1099, Copy A
	U.S. Annual Information Return	(1)	1096
	N.Y.S. Information Return	(4)	IT-2102.1
	N.Y.S. Transmittal Form	(4)	IT-2102.4
	N.Y.S. Withholding Tax Statement	(9)	IT-2102, Copy 4
	N.Y.S. Annual Withholding Returns	(4)	IT-2101-A
	N.Y.S. Reconciliation of Tax Withheld	(9)	IT-2103
	N.Y.C. Annual Reconciliation of Tax Withheld	(8)	NYC-3
	N.Y.C. Wage and Tax Statement	(8)	NYC-2, Copy A
	N.Y.C. Annual Withholding Returns	(5)	NYC-1A
Mar. 15	Monthly Federal Tax Deposits	(6)	501
	N.Y.S. Monthly Withholding Returns	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Returns	(5)	NYC-1M

EXHIBIT 8A
p. 2

Due Date	Item	Filing Code (see Exhibit 8, p. 2)	Form Number
Apr. 15	N.Y.S. Monthly Withholding Return	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Return	(5)	NYC-1M
Apr. 30	Employer's Quarterly Federal Return	(1)	941
	NYS Unemployment Insurance Report	(7)	IA5
May 15	Monthly Federal Tax Deposit	(6)	501
	N.Y.S. Monthly Withholding Return	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Return	(5)	NYC-1M
June 15	Monthly Federal Tax Deposit	(6)	501
	N.Y.S. Monthly Withholding Return	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Return	(5)	NYC-1M
July 15	N.Y.S. Monthly Withholding Return	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Return	(5)	NYC-1M
July 31	Employer's Quarterly Federal Return	(1)	941
	NYS Unemployment Insurance Report	(7)	IA5
	N.Y.S. Semi-Annual Withholding Return	(4)	IT-2101-S
	N.Y.C. Semi-Annual Withholding Return	(5)	NYC 1-S
Aug. 15	Monthly Federal Tax Deposit	(6)	501
	N.Y.S. Monthly Withholding Return	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Return	(5)	NYC-1M
Sept. 15	Monthly Federal Tax Deposit	(6)	501
	N.Y.S. Monthly Withholding Return	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Return	(5)	NYC-1M
Oct. 15	N.Y.S. Monthly Withholding Return	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Return	(5)	NYC-1M
Oct. 31	Employer's Quarterly Federal Return	(1)	941
	N.Y.S. Unemployment Insurance Report	(7)	IA5

EXHIBIT 8A
p. 3

Due Date	Item	Filing Code (see Exhibit 8, p. 2)	Form Number
Nov. 15	Monthly Federal Tax Deposit	(6)	501
	N.Y.S. Monthly Withholding Return	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Return	(5)	NYC-1M
Dec. 15	Monthly Federal Tax Deposit	(6)	501
	N.Y.S. Monthly Withholding Return	(4)	IT-2101-M
	N.Y.C. Monthly Withholding Return	(5)	NYC-1M

INITIAL APPLICATION REQUIREMENTS

Government	Number	Form Description	Filing Code (see Exhibit 8, p. 2)
Federal	SS-4	Application for Employer's Identification Number	(1)
Federal	1023	Application for Tax-Exempt Status	(16)
State	DSS657	Registration Statement of Charitable Organization	(10)
State	NYCF-1	Registration of Charitable Trust or Corporation	(11)
State	IA-100	Report to Determine Liability Under NYS Unemployment Insurance Law	(7)

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PERIODIC FILING REQUIREMENTS

Annually:

Government	Form Number	Form Description	Filing Code (see Exhibit 8, p. 2)
Federal	990	Return of Organization Exempt From Income Tax	(15)
State	NYCF-2	Annual Report of a Charitable Organization	(11)
State	DSS 497 DSS 497A	Annual Report For Charitable Organizations	(10)
City	M876Z	Actual Versus Estimated Cost Comparison	(12)
City	M876Y	Application For Public Funds	(12)
City	M876B	Budget Estimate For Staff	(12)
City	M876H	Plan of Operation and Budget for Day Care Center	(12)

Quarterly:

Government	Form Number	Form Description	Filing Code (see Exhibit 8, p. 2)
City	M874C	Staff Attendance (Regular Staff)	(12) (14)
City	M874B	Staff Attendance (Substitute Staff)	(12) (14)
City	M874J	Report of Expenditures and Income for the Quarter	(12) (14)

Monthly:

Government	Form Number	Form Description	Filing Code (see Exhibit 8, p. 2)
City	M874E	Recapitulation of the Attendance Record for the Month	(12) (13)
City	M874D	Daily Attendance and Fee Record for the Month	(12) (13)

EXHIBIT 9

Our Day Care Center
Bank Reconciliation
October 31, 19__

Book Balance end of Sept.		$ 21.22
ADD: Receipts this month (Agrees with cash receipts book)		13,367.50
Subtotal		$ 13,388.72
LESS: Disbursements this month (Agrees with cash disbursements book)	$9,536.33	
Bank Service Charge (From bank statement, will be entered in disbursements book)	5.25	9,541.58
Book Balance end of Oct.		$ 3,847.14*

Bank balance per bank statement as of Oct. 31		$ 4,825.64
LESS: Outstanding Checks (Comparison of bank statement to cash disbursements book)		

Check #	Amount
107	$ 500.00
113	150.00
137	400.00

	$1,050.00	
Items on the Books but not on Bank Statement	- 0 -	1,050.00
		$ 3,775.64
ADD: Deposits on the Books but not on the Bank Statement		

Date	Amount
Oct. 31	$ 71.50

	$ 71.50	
Items on Bank Statement not on Books	- 0 -	71.50
Adjusted Bank Balance end of Oct.		$ 3,847.14*

*These totals must agree.

PART THIRTEEN

SOME NOTES ON RECRUITING AND HIRING STAFF FOR YOUR DAY CARE CENTER

Tony Ward

Bank Street Day Care
Consultation Service

STAFF

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STAFF

INTRODUCTION

Most community groups, when they finally receive money to start a Day Care Center, are faced with the problem of hiring staff. The Board of Directors of the Day Care Center always has the complete responsibility for deciding how staff will be hired, and they can set up almost any system they want. This pamphlet outlines some procedures for hiring staff. But this is just to help you think through some of the problems. Of course, you may make any changes in this procedure which seem right for your group.

I. THINGS TO DO BEFORE YOU START HIRING

Before you hire staff, there are certain questions which your Board of Directors must decide:

A. Job Descriptions

B. Job Qualifications

C. Salary Range

D. What Kind of Person

E. What System of Hiring

A. Job Description:

Your Board of Directors must decide on a description for each job that is open. The description should include -

(1) what work needs to be done

(2) what the work schedule is - how many hours per day and months per year, and

(3) how long the job will last - a few months, a year, indefinitely

If your center is being funded under the Agency for Child Development, they will have descriptions for each of the positions that they will reimburse you for. It would be a good idea to look at these descriptions, but it is not necessary to accept them in every detail; there may be parts of the descriptions that you don't like and want to change, orthere may be things that you would like to add to the description.

STAFF

B. Job Qualification:

Your Board must also decide what they consider to be the qualifications for each job; that is, what training they think is necessary - high school or college - and what experience they think would be good for the job - how many years of working in a similar position. Again, the Agency for Child Development lists qualifications for all jobs in centers which it funds, and you will want to consider these if you are going to receive funds from them. But you should be ready to modify those job qualifications if you think it is important to do so.

C. Salary Range:

You will need to know what the range of salaries for each job position will be. That is, you need to know the minimum salary that you will pay, and the maximum salary that you will pay if a person has all of the experience and qualifications that you think are important.

D. What Kind of Person:

Lastly, your Board of Directors needs to discuss very thoroughly what kind of person you want for the job. That is, they should discuss what kind of personality and attitude they want in a person. In doing this, it is sometimes very helpful if your Board members talk in terms of what kind of person they would like to have working with their own children.

E. What System of Hiring:

Once your Board of Directors has decided all of these things, they should also decide on the system they are going to use in hiring staff. There seem to be three major alternatives.

1. The old system - used in most traditional social agencies, churches, etc., was for the Board of Directors to hire only the director of the program. After that, the director would hire all other staff positions, and ask the Board of Directors to simply approve of and confirm his actions. This system has the advantage of being very quick, and taking very little of the Board members' time.

2. A second way of hiring is for the Board of Directors, or some committee of the Board of Directors, to interview every applicant for the job with the director playing no role in the hiring.

3. A third alternative is for the Board of Directors, or some committee of the Board, to do the actual hiring, but with the participation and advice of the director. Often the director sits with the Board and discusses each candidate with them, although he does not participate in the vote on the candidate. Or, the director may interview each candidate before they go to the Board, and only pass on to the Board those candidates who he feels he would agree to. Or, the director may write a short written report on each candidate for the Board to consider before they vote.

(My own advice in this matter is that your Board adopt a method which avoids two dangers. On the one hand, it is very important that the Board make the final decision in hiring every member of the staff, since the Board is ultimately responsible for the program. On the other hand, I think the Board should consult with the director on each hiring, because it is the director who will have to supervise all of the other staff members; it seems unfair to both director and to the other staff members to start the program with people who might not get along well. But again, it is entirely up to your Board of Directors what system they choose to use.)

One last note on systems of hiring. It is possible, of course, that your Board may decide to set up different systems for different employees. For instance, they may feel that they want to use one system to hire the director and teaching staff, and another - perhaps simpler - system to hire the non-teaching staff of the school.

II. HOW TO RECRUIT STAFF

Once you have decided all of these things, you will want to begin recruiting staff. Most Centers have found it necessary to use different recruiting procedures for those staff members who they feel need to have college degrees, and for those who do not.

A. Staff members who you feel need to have college degrees

For those staff who you feel do need to have college degrees, I suggest the following steps:

1. Have someone from your group - perhaps the Secretary of your Board - draw up a brief description for each job, using the longer job description which you have prepared (see Section 1 above). This brief job description is the one that you will use in your advertisements and letters. The person who draws it up should present it to the Board for their approval. Included in the brief description should be necessary information about the job, about the qualifications for the job, usually some idea of the salary

range, and a request for a resume.

You will also have to decide at this point whether you want applicants to telephone you, in which case your notice should include a telephone number, or whether you would prefer them to simply send their resumes to your address, or to a post office box that you can rent from the post office, or from the newspaper in which you place the ad. If you expect a great many applicants in a short time, it is probably better not to give your telephone number, since you may get as many as 15 or 20 phone calls a day in response to an ad.

Here is a sample of the kind of write-up you might do, for a position which requires a college degree:

Education Consultant for new 100-child City-funded Day Care Center. B.A. degree in early childhood required, two year's experience supervision and training. Salary range $9,000 to $12,000. Send resume attention Mr. Blanco, 666 West 66th Street, New York.

2. Now you must place this ad. There are several good places to put it. The first is, of course, in the newspapers; usually the Sunday edition is best. In New York City -

The Amsterdam News
2340 Eighth Avenue
NYC #749-5300

The N.Y. Post
210 South Street
NYC #349-1100

The Daily News
220 East 42nd Street
NYC #661-8300

New York Times (want ads)
229 West 43rd Street
NYC #OX.5-3311

El Diario-La Prensa
181 Hudson Street
NYC #966-5040

The Village Voice
61 Christopher Street
NYC #WA.4-7130

If you have a neighborhood newspaper, it might be a good idea to place an ad in that too.

Another source of people is the New York State Professional Placement Service, which operates as an employment agency, but which does not charge any fee for its services. You should mail the job announcement to them, with a short covering letter asking that they refer people to you. Their address is:

444 Madison Avenue
New York, N. Y.
#688-0540

A third source of people is through private employment agencies. The problem with such agencies is that they usually charge a large fee, which either your group or the employee has to pay. Also, in my experience, private agencies do not have access to as many teacher applicants as you can get through the professional placement service and the newspapers. If you do want to use private agencies, you would simply look them up in the yellow pages of the telephone book.

However, you may want to send out the job announcements to a few specialized private employment agencies and other organizations, which will be able to help you find college-trained staff from different ethnic backgrounds. Some of these agencies also do not charge a fee. Here are some that I can think of -

Aspira
1974 Broadway
NYC #799-4825

Hallmark Employment Agency
1270 Sixth Avenue
NYC #LT.1-6565

Commonwealth of Puerto Rico
322 West 45th Street
NYC #CI.5-0700

New York Urban League
204 West 136th Street
NYC #AU.6-8000

3. Now you need to assign someone from your group - from your paid staff, if they are available yet, or perhaps the Board Secretary, if you have no paid staff - to collect and open the resumes that you will be receiving in the mail. You may also want to ask this person to look over the resumes as they come in, and to eliminate the ones that obviously don't apply. Many people will send in resumes even though they have completely different qualifications from the ones you have asked for in your ad. You may simply throw away the resumes that you do not want - it is not necessary to inform the person. The person assigned to do this should then telephone the applicants you are interested in, and set up interviews for them with your Board, or with whomever is going to be doing the interviewing.

4. At the same time as you are doing these things, it would be a good idea to schedule a meeting of your Board, or whatever committee is going to do the interviewing,

and discuss what kinds of questions you want to ask in an interview. If you put yourself into the situation, and imagine that this applicant may be working with your own child, you usually will not have a very hard time coming up with some good questions. The members of the committee may want to write down a few typical questions, and read these off during the interview; but this should only be necessary for the first interview or two, until the group gets used to the process. Here are just a few examples of questions you might like to ask:

- If a child constantly cried for his mother, what would you do?
- How would you help a child who didn't seem able to make any friends in the group?
- What experience have you had working with children?
- How would you help children to develop mathematics skills?
- What would you say to a parent who complained that her child kept being "picked on" in your class?

5. The next step is to set up the interviews. Often you will have to schedule them in the evening. You should probably allow between 20 and 30 minutes for each interview, and probably no more - six interviews in a single meeting - with more than that, you begin to forget the applicants' names and faces.

   A good rule for interviews is that you don't try to make a decision while the applicant is sitting there with you, and you don't give him any indication of your decision at that moment. Instead, immediately after the person has left the interview, you discuss among yourselves for a few minutes your feelings and reach a tentative decision about the person - either to reject him entirely, to accept him immediately, or perhaps to hold his application until you have interviewed more people. It is a good idea to make brief notes of your decisions; you may be interviewing thirty or more applicants in two or three weeks, and it is easy to lose track.

If you decide that you are interested in hiring a person, it is very important that you check their references before you do hire them. Usually, it is best to ask one person from your Board, or perhaps a paid staff member, to telephone the people who are listed on the applicant's resume, and get their opinion of him. It is also a good idea to ask people to write letters of reference for the applicant, addressing them to you, so that you can have them in your files. I think, however, that you get more information by talking with the people directly on the phone. At the next meeting of your Board or personnel committee, you should ask for a report on those references. If they confirm your good impression of the person, then you should make your decision to hire the applicant official and final.

Occasionally, you will find that the references raise doubt in your mind about the applicant, even though you felt very positive about him or her at the interview. In that case, you might want to call the applicant back for another interview, or you might want to postpone your final decision until you have seen more applicants.

6. Lastly, you should have someone, either a Board member or staff member, inform every applicant that you have interviewed of your decision. Usually, you should do this within a week after you have seen the person. Please remember that it is important to inform the people whom you have interviewed but not accepted, so that they will know that they should continue looking for a job someplace else. For the people you have accepted, you will want to give them an exact date in the near future when they can come in to find out all of the details of when the job will begin, what the personnel policies are, etc. You will need to be ready at this time to tell people the exact date their salary will begin.

B. Staff members who do not need to have a college degree

For staff members who do not need to have a college degree, a different method of recruitment may work better.

1. First, you must draw up a short job description, as above. But instead of asking for a resume in your ad, you will probably want to provide a brief application form for people to fill out. The information on the application form depends upon what your Board thinks it is important to know about the applicant. Usually it will include previous work experience, education, and perhaps some information about the applicant's family - how many children, what ages, etc., so that you can get some idea of how much experience he or she has had with children.

2. The next step is to send this job description out. Obviously, you will have some ideas of places in your own neighborhood that you would like to send it to. Usually, it is a good idea to send the job description with a brief covering letter to your local anti-poverty agencies, churches, clubs, etc. You may also want to do some more intensive recruiting by setting up posters in the local stores and supermarkets announcing the jobs, and telling people where they can get application forms. Some groups have lists of parents who want to put their children in your new day care center, and it may be a good idea to inform all of these parents that jobs are available.

3. Next, you should appoint someone to gather together all of the applications, and to call the applicants and make appointments for them to come in for interviews. From here on, the steps are exactly the same as those described before.

***

One last point to remember. If your Center is receiving funds from the Agency For Child Development, there is an additional step for you to carry out. Your Board of Directors has the right to hire anyone they please for any job. But the Agency For Child Development will only reimburse you for those people whom it approves of, and only at the rates the Agency sets. There may be a change in this system in the future, but for now this is what your group must deal with.

Therefore, when you have decided on whom you would like to hire, you must ask them to fill out the forms which the Agency For Child Development will provide you with. You send these forms to them for "salary verification". Within a week or so, the Agency should inform you that the applicant is approved, and that you will be reimbursed for the applicant's salary at a certain level. If you do not agree with the decision of the Agency, you may appeal it. For more information on this procedure, we suggest that you call us, at the Day Care Consultation Service of Bank Street College (Phone: 663-7200 Ext. 225). We will help you in any way we can.

PART FOURTEEN

REPORT OF THE TRAINING AND NEW CAREERS COMMITTEE

PREFACE

We have included the Report of the Training and New Careers Committee in this edition of the Manual for several reasons. First, it sheds some light on the possible directions the new Agency for Child Development may take in the areas of staff training, career development programs, job eligibility requirements, and staffing patterns in day care centers in New York City. Second, it sets forth the specific recommendations made by the Committee to the Agency for Child Development. Third, public hearings will be held by the Agency on the issues discussed in this Report. It is important, therefore, that as many people as possible become familiar with the Report and express their opinions on these issues either by letter to Commissioner McMurray or in person at the public hearings. The views of community-based day care groups can have a significant impact on the directions the Agency policy takes.

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INTRODUCTION

The Training and New Careers Committee was appointed by Human Resources Administrator Jule M. Sugarman in October, 1970. Its charge was to recommend staffing qualifications and staffing patterns for early childhood centers and, also, to recommend standards for training programs and career ladder systems.

The 37-member Committee was made up of parent representatives from various child development programs funded by the City, as well as early childhood educators, health specialists, union representatives, training and career development planners, and other individuals from city-wide, community-based, and professional groups.

The Committee has based its recommendations on the belief that early childhood education and child welfare are, in reality, two parts of one, inseparable philosophy which must underlie all programs designed for young children.

Wholehearted recognition was given to the urgent need--on a nationwide scale--for new personnel to staff child development programs. These programs are emerging in response to the changing needs of urban populations as well as to the recognized need for quality early childhood education for every child, particularly the disadvantaged.

The Committee's recommendations also recognize the evidence that deeper, more intensive involvement of parents and community is vital to all child development programs and that many kinds of people, with many kinds of skills, can make a significant contribution to the growth of the whole child.

The Committee's recommendations also recognize that training must be considered as an on-going process, essential to achieving early childhood center objectives. Training is not a means of enforcing one particular ideology or methodology, but a way of assuring that the children in the centers are offered the best current knowledge in the field of growth and development.

Distribution of the Report

Public Hearings are being held on this report so that all concerned parents, citizens and community organizations interested in services to children can express their views on the recommendations.

Based on these Hearings, final recommendations will be sent to the Commissioner of the Agency for Child Development for consideration by the Child Development Commission.

TRAINING PROGRAMS AND STANDARDS

I. TRAINING NEEDS

The primary purpose of all training programs should be to meet the developmental needs of the children served. In preparing to meet this primary purpose, the trainees, themselves, will have an opportunity for personal growth and development in a career development program.

Training should include all persons related to the early childhood center. Training should emphasize the overall goals of the center and how each individual effort relates to the achievement of these goals.

In this report, the Committee has concentrated on broad areas of general skills and insights needed by staff; however, taken in the context of today's world, it can be assumed that many people do have prejudicial attitudes of which they may not be aware. These attitudes may be based on other people's socio-economic backgrounds, race, sex, or ethnic group. They may be based on, seemingly, small matters such as the "correct" way to behave, dress, or speak, or on a preconceived attitude of what is a "good" family. For the family and children who do not fit these preconceived attitudes, the early childhood experience can be more harmful than beneficial.

Therefore, particularly in the area of developing personal insights, the Committee believes there is a need for training programs designed to help staff and related personnel deal with their own prejudicial attitudes.

Specifically, then, the Committee recommends training in the following areas:

- Team Relationships
- Staff/Family Relationships
- How to work with a group of children
- How to use educational materials and how to develop new materials
- How to use multi-media presentations
- How to help children develop a positive self-image
- How to use community resources
- How to give special services such as infant care, drop-in care, 24-hour care, after-school care, etc.

REPORT

II. RECOMMENDATIONS FOR TRAINING PROGRAMS AND STANDARDS

A. Training Programs

The Committee recommends that training programs include all center personnel as well as related people in the outside world in which learning takes place. Training should not only focus on building individual skills and abilities to build a good group relationship among the staff.

Kinds of personnel to be trained and suggested training objectives for each group are listed below:

1. Supervisors and Directors

   - general understanding of the goals and objectives of the center
   - comprehension of their own role in achieving the over-all goals of the center
   - management skills in planning, administration, coordination, etc.
   - development of in-service training programs--team-teaching concepts and practice
   - child development and teaching techniques
   - ability to develop productive relationships between teachers and parents

2. Personnel Having Direct Contact With Children (Teachers, Assistants, Aides)

   - general understanding of the goals and objectives of the center
   - comprehension of their own role in achieving the over-all goals of the center
   - knowledge of child growth and development
   - teaching techniques in early childhood education
   - skills in teaching music, language, and other arts
   - skills in using the child's neighborhood and life experience in developing curriculum
   - ability to be sensitive to the child's needs as the child perceives his needs
   - skills in detecting health and nutrition problems in young children
   - ability to plan, work and make decisions together

3. Personnel Having Limited Contact With Children

   a. Consultants

      - general understanding of the goals and objectives of the Center.
      - comprehension of their own role in achieving overall goals of center.
      - knowledge about and ability to use the latest developments in their specific areas of expertise
      - ability to work with and relate to the staff, parents and board members connected with the Center

   b. Supportive Personnel (Custodian, Bus Driver, Cook, Bookkeeper, etc.)

      - general understanding of the goals and objectives of the center
      - comprehension of their own role in achieving the over-all goals of the center
      - general understanding of the growth and development needs of young children (for the purpose of developing meaningful relationships with the children)
      - skills training in specific occupational area

   c. Health and Social Service Workers

      - general understanding of the goals and objectives of the center
      - comprehension of their own role in achieving the over-all goals of the center
      - specialized knowledge and training within their own occupation
      - general knowledge of community resources
      - child growth and development

4. Child's Family

   - general understanding of the goals and objectives of the center

- comprehension of their own role in achieving the over-all goals of the center
- child growth and development

5. Board Members

- general understanding of the goals and objectives of the center
- comprehension of their own role in achieving the over-all goals of the center
- program planning and policy-making
- program evaluation
- utilization and development of resources for the program

B. Training Standards

- training must be part of an overall design related to center objectives
- training objectives must be measurable through a system of on-going evaluations
- skills of trainers should be evaluated in light of their past performance in providing similar services and in the present needs of the contracting center
- training must take place on "release" time
- parents and staff must understand training objectives and must participate in the development of training programs
- accumulation of transferable college credits should be a high priority for participants of any training program if they so desire

III. SETTINGS AND METHODS FOR OPERATING TRAINING PROGRAMS

The Committee believes there is no single best training setting or method. A variety of training techniques and facilities should be used, depending on the training objective. In some instances, the Center will be the best setting: in others, the best setting may be a university, a community agency or a private facility.

Generally, the Committee recommends that all training combine elements of theory and knowledge and practice and, wherever possible, be conducted in the context of on-going center activities.

IV. CAREER DEVELOPMENT CONDITIONS

The Committee believes that, whatever the staffing arrangements within centers, opportunities for professional advancement and salary increments within each center, and among all the ACD agencies, must be provided.

Accordingly, the Committee recommends the following:

- Plans must be developed to insure that every employee has an opportunity for vertical and horizontal mobility.

- Increased skills and greater proficiency in performance, though within the same job category, must be rewarded by salary increments.

- Transferable academic credits should be possible for successful completion of training and, also, must apply to existing credential-granting systems.

V. RECOMMENDATIONS FOR THE AGENCY FOR CHILD DEVELOPMENT

A. Funds for Training

Funds for training, beyond the cost of program operations, must be allocated to all early childhood programs. These funds should be based on a cost of no less than $230 per child ($150 per child in after-school programs) for all programs during the first year of funding. The following criteria are recommended to ACD in allocating training funds:

- Cost on a level with other programs

- Transferable academic credits available upon successful completion of the program

- Program provides "released" time for participants

- Training design provides an evaluation of the program

B. Transfer of Credits

The Agency for Child Development should encourage educational institutions such as City University and State University, as well as private colleges and universities, to grant their own credits to people who have completed other institution's training programs. (For example: Project Champ conducts a Montessori training program which receives credit from the Malcolm King College Extension. These credits are transferable to any college in a consortium of Catholic colleges.)

The Agency for Child Development should vigorously engage in negotiations with the State Bureau of Certification in order to establish a credit bank within the Bureau. The Bureau could then approve and bank credits--including life and work experience--accumulated by participants in the various training programs. Then at such time as a participant wished to obtain a degree in his or her chosen profession, the credits would be transferable to a college program.

The Agency for Child Development should also explore the possibility of inter-state credit transfers.

JOB ELIBILITY REQUIREMENTS AND STAFFING PATTERNS

I. GENERAL PRINCIPLES

In formulating recommendations for job eligibility requirements, the Committee has focused on the developmental needs and rights of children while, at the same time, keeping in mind the value and necessity of opening up opportunities for careers in the day care field. The Committee has tried to balance professional training and education with experience in working with children.

The job eligibility requirements are recommended not only for programs that are publicly-funded, but for all early childhood programs in the city.

These requirements reflect a spirit of flexibility by giving community groups the right to select personnel who, in their opinion, best meet the needs of the children concerned.

Further, the Committee recommends that this spirit of flexibility be extended to the staff so that, when necessary, they will assume functions outside of their immediate responsibility.

It should also be noted that job eligibility requirements recommended for each position are considered to be equivalent.

II. HOW TO DEFINE A COMPETENT TEACHER

A degree in education does not guarantee a good teacher nor does an equivalent number of years working in educational programs automatically guarantee a good teacher. In an attempt to define a competent teacher in early childhood, the Committee submits the following list of abilities:

Ability to Help Child Become Competent

- as a body and a mind
- in constructive and manipulative activities
- in use of language and other communication skills
- in understanding relationships and developing concepts for organizing experience
- in mastering the symbol systems
- in acquiring knowledge of their environment
- in problem solving

Ability to Help Child Establish Mutually Supportive Social Relationships

- in being able to play and work together with other children
- in accepting understandable rules and regulations that are necessary to keep group life interesting and gratifying
- in becoming aware of each individual's uniqueness--his own and others'
- in being aware of similarities and differences among individuals of different racial and ethnic origin
- in enjoying interaction with other children and with adults

Ability To Help To Deepen Emotional Responsiveness and Build Up Ways Of Coping With Emotional Problems

- in becoming sensitive to other's feelings
- in becoming aware of one's own feelings
- in being able to face and deal constructively with painful experience--separation, frustration, isolation, loss, anger
- in being able to express positive feeling--sympathy, love, enthusiasm

Ability To Help Children Develop a Clear Sense of Themselves and Their Own Worth

- in the inner feelings of strength the child gains from becoming competent in a variety of ways
- in the sense of worth he or she internalizes from being valued as an individual and respected as a member of their subculture
- in the feeling of independence associated with being able to make choices, take initiative and set their own course for problem solving
- in the confidence that the child can learn, overcome obstacles and master confusion

Ability To Help Children Develop Their Potential For Imaginative, Creative Thinking and Acting

- in verbal and non-verbal expression of experience
- in original solutions to practical, social and intellectual problems
- in freedom from compulsion to imitate or to follow, exclusively and expected pathways

III. RECOMMENDATIONS FOR JOB ELIGIBILITY REQUIREMENTS

The demonstrated ability to work creatively and sensitively with the age group being served should be a prerequisite for all positions in an early childhood program. Other requirements are:

A. Educational Directors

1. College graduate with course emphasis in early childhood education, plus,
2. Minimum of two years experience as group teacher in a program with children under the age of six, plus
3. One year of experience in supervising an educational program

B. Administrative Director

1. College diploma plus two years experience in administration or supervision, or
2. A.A. or A.S. degree plus four years of relevant work experience, including two years of experience in administration or supervision, or
3. Five years of relevant work experience including three years in administration or supervision.

C. Group Teacher

1. Bachelor of Arts degree with student teaching at the early childhood level and course emphasis in early childhood education, or
2. 90 credits or more of college work with emphasis in early childhood education, plus one year of experience in an assisting teacher role in a supervised educational group setting with children under the age of six, or
3. Associate of Arts, Associate or Applied Arts, or Associate of Science degree plus two years experience in a super-

vised group setting with children under the age of six, or

4. 60 college credits, 24 of which are in education with emphasis in early childhood education, plus two years experience in an assisting teacher role in a supervised setting with children under the age of six, or

5. 30 college credits, 24 of which are in education with emphasis in early childhood education plus three years of experience in an assisting teacher role in supervised educational group setting with children under the age of six*

D. Associate Teacher (Assistant Teacher)

1. Eighteen years of age, plus

2. High School diploma, High School equivalency or a 9th grade reading level in English or the primary language of a substantial number of children being served (The reading level should be tested by a standard examination such as the California Achievement Test to be administered routinely at least once a week under the direction of ACD), plus one year of experience working with children.

E. Assistant Teacher (formerly Teacher Aide)

1. Seventeen years of age, and

2. Ability to read and write.

F. Family Counselor

1. A combination of five years of related college courses or related work experience, plus

2. Acceptance and understanding of the program.

G. Family Worker

1. 21 years of age, plus

2. the ability to read and write.

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* In the opinion of a minority of the sub-committee membership, eligibility requirement number 5 is not an acceptable qualification for the position of group teacher; rather it is a qualification for an Associate Teacher. Another minority wanted to retain 5 and add a sixth eligibility requirement: High School Diploma plus 4 years experience in an assisting teacher role in a supervised educational group setting with children under 6 years of age.

H. Health Assistant

1. 10th grade reading level, plus
2. ability and interest in
    a. working with children, their parents, health professionals and non-professionals
    b. serving as an advocate of the health needs of the families served by actively working with existing community health resources responsive to these needs
    c. understanding diagnostic and other medical terminology and to
    d. communicating its meaning to parents, and when appropriate, other center personnel

I. Bookkeeper-Clerk

1. Completion of a commercial course which includes bookkeeping or one year of work experience as a bookkeeper, and
2. Passing the centrally-administered bookkeeping exam, plus
3. Ability to type

J. Assistant Bookkeeper-Clerk

1. The ability to type, plus
2. The ability to perform routine office functions, plus
3. Knowledge of bookkeeping

K. Cook

1. Completion of or willingness to take a training course in food preparation and nutrition, plus
2. Ability to read and write

L. Aide

1. Acceptance and understanding of the program

M. Janitor

1. Physical ability to do heavy cleaning and minor

repairs, plus

2. Ability to read and write

It is further recommended that the following statement be a part of the job eligibility requirements for each category:

> "All of the above requirements are subject to change in order to meet the needs of individual programs. The procedure for implementing such change is the submission of a request for waiver of requirements by Board of Directors of the program."

IV. WAIVERS

It is recommended by the Committee that the job eligibility requirements for any individual staff member be waived by the Agency for Child Development as long as the two following conditions are met:

- if the staff member for whom the waiver is sought is involved in a training program that meets ACD criteria
- if the group making the request has a majority of parents on its Board of Directors or on any other body that has authority over center personnel

The eligibility requirements for that staff member will be deemed to have been waived if both conditions are shown to exist in the group's written request and if the ACD has failed to reject the request for good cause within thirty (30) days of its receipt.

V. STAFFING PATTERNS

While the Committee has not developed a specific staffing pattern for each of the different kinds of early childhood programs, it is our belief that certain principles should be applied to all programs. They are:

- a variety of staffing patterns
- flexible interpretation of guidelines by the Agency for Child Development
- maximum possible decentralization of the decision-making process

The Committee recommends the following staffing pattern, based on the functions to be performed, for a fifty-five child, full-day, group day care center.

There should be eighteen and one-half positions, plus consultant time which includes two to three days a week for mental health professionals; six hours a month for a physician; nine hours a month for a nurse; plus an allowance of $50 per year, per child for general consultation services.

In addition, the staff should include three qualified group teachers; one qualified education director who does not have classroom responsibilities; and one health and social services person. Additional staff must be provided on the following basis: two persons for a group of ten, two-year olds; fifteen, three-year olds; or twenty, four-or-five-year olds.

The functions to be performed by the staff include:

- Designing and operating an educational program appropriate to the ages of the children served
- Providing daily, well-balanced, nutritional breakfasts, lunches and three snacks.
- Providing social services related to the needs of the families served.
- Providing health services to individual children and their families and develop, mobilizing and coordinating community health resources.
- Maintaining a clean, safe facility.
- Responsibility for recording keeping in the areas of financial accountability, health, and appropriate family information.
- Safeguarding information of a confidential nature.
- Completing all forms required by the city.
- Administering and supervising all program areas.

(A detailed staffing pattern based on the Committee's recommendations, is attached as an example.)

VI. ADDITIONAL JOB ELIGIBILITY AND STAFFING PATTERN RECOMMENDATIONS

The Board of Directors of the sponsor agency shall decide who is to have overall responsibility for program coordination--the administrative director or the education director. However, in an early childhood program of 35 children or less, the director must be qualified as an educational director.

The probationary period should be retained in employing child care workers because the best way to determine how a person works with children is to observe him or her.

All positions need not be full-time. A staff member may be assigned to more than one function on a part-time basis.

All employees shall be required to take a First Aide course.

The Agency for Child Development should investigate the possibility of considering vocational training, geared to a specific job, as the equivalent of academic credits or work experience in the field of early childhood.

The New York City Community College Administrator Day Care Training Program should be re-instated and those who have completed the program should be placed in the positions for which they were trained.

The Agency for Child Development should be flexible in terms of accepting staffing patterns other than their own, if such staffing patterns meet the needs and wishes of the local agency.

The Agency for Child Development has the right to require that community groups maintain fiscal accountability and provide the service they are funded to provide.

ATTACHMENT "A"

STAFFING PATTERN FOR A 55-CHILD GROUP DAY CARE CENTER

compiled from Subcommittee I recommendations

1	Educational Director)	One of these directors will be designated by the Board of Directors of the local center to be responsible for over-all program direction.
1	Administrative Director)	
3	Teachers	
3	Associate Teachers, and	
3	Assistant Teachers, or	
6	Associate Teachers	
1	Full-time family worker, plus	
1	Full-time family counselor, plus	
2	Days of consulting time from mental health professionals, or	
2	Full-time family workers, plus	
3	Days Consulting Time from mental health professionals	
1	Health Assistant	
1	Bookeeper	
½	Time Bookeeper - Clerk	
1	Cook	
1	Aide	
1	Janitor	

PART FIFTEEN

IDEAS FOR PUTTING A DAY CARE CLASSROOM TOGETHER AND THINGS TO MAKE AND DO WITH CHILDREN

Leona Arnold
Bank Street Day Care Consultation Service

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INTRODUCTION

I wrote this handbook to give community groups ideas for material, equipment, and things to make and do with children. The important thing to keep in mind when using this handbook is that you can decide which of these ideas seem interesting, fun, and of value to the children in your programs. Watch how the children use these ideas, and take your cues from them.

Whether or not your center has City funds you will find that things made by children, parents and staff generally are used more than things you buy. I am not suggesting that you should make everything yourself, nor that you should save City money. But I do feel that the more you and other staff, parents and children put into your center's environment the better your changes are for developing an individualized program which reflects the educational and social needs of the children.

The handbook does not attempt to present a curriculum for your center. A curriculum for young children consists of two parts: the environment (which includes home and community as well as the classroom) and the goals for individual and groups of children. The goals are basically the answer to the questions "How do you want these children/that child to be different because they/he/she came to this classroom/day care program?" Community control of day care programs means that parents and representatives establish the environment and the goals. This handbook presents ideas that staff and parents can choose from as you begin to put together the classroom environment and other ideas about things staff and parents can make and do with children that they can choose from to gain insight into what goals they want to establish for their children.

Leona Arnold

I. PUTTING A CLASSROOM TOGETHER

A. Getting Started - Collect Things

Some of the ideas in this section are things that can be saved and used in your day care center while you wait for the furniture to arrive. As time progresses you may find the "found materials" add to making the classroom setting more flexible.

The ideas are divided into areas that make up the classroom environment.

Language Arts and Dramatic Play

Old beads, buttons, bottlecaps can be collected. Cardboard from shirts, and stockings can be used to make lotto games, color games, number games and a set of dominoes. Old magazines saved and pictures showing children transportation, animals, fruits, plants and people can be cut and labeled for puzzles and books. Cardboard boxes from the A&P can be cut up and used for puzzles. Pictures on the wall on the child's eye level that are carefully mounted on construction paper, make a room comfy and inviting to the children. Making puppets from material scraps. Getting used telephones from telephone company to use in dramatic play. Making dolls from material scraps.

Art

Old beads, buttons, bottlecaps can be collected. Fabric can be cut up and used to paste on construction paper. Using black magic strips drawn on paper can help two and three year olds learn how to cut. Fathers' shirts can serve as smocks

Science

Shoeboxes painted or sprayed, but first held together with masking tape make good blocks. Ivory Snow bottles, plastic Clorox and Ammonia bottles, can be used for pouring water from one container into another. Ivory snowflakes can be beat with egg beaters and food coloring added to help children use their muscles and watch what happens when the Ivory Snow gets thicker and thicker. Beans, rice, salt can be poured in small boxes with tops and used as sound boxes.

Math

Cardboard boxes from the A&P can be cut up and used for puzzles. Old beads, buttons, bottlecaps can be collected. Shoeboxes painted or sprayed, but first held together with masking tape make good blocks. Beads, buttons, spools of thread painted and sprayed can be used for stringing. Making beanbags from material and lima beans or kidney beans.

Blockbuilding

Shoeboxes painted or sprayed, but first held together with masking tape ma e good blocks. Making toys from milk cartons, cereal boxes, etc. Large, medium and small cardboard boses can serve as cubbies, storage, shelving, etc.

Furniture

Orange crates can be painted to serve as shelving. Cinder-blocks and lumber cut to your desired dimensions. Large, medium and small cardboard boxes can serve as cubbies, storage, shelving, etc. Coffee cans, hold and act as containers for beads, dough, crayons and pegs. Plastic or cardboard shoeboxes can be labeled and used for storage of collage material, and small bits of equipment that need to be stored away to prevent loss. Making tables from squares of lumber and milk crates (aluminum) or telephone cable spools. Lumber can be covered with oil cloth or contact.

The "how to do it" of these ideas are explained further in other sections of the handbook, and can also serve as useful ways of parents involving their children at home, but, if you want you can stop reading here and get started.

B. How to Buy Things

The same rule holds as in shopping for groceries - know what you want before you go to the store (or begin ordering from the catalogues). Don't let the ACD consultants tell you what you need.

Get catalogues from supply and toy manufacturers and when possible go to a few showrooms, but most importantly visit other programs for young children. They don't all have to be (and probably should not be) all day care programs. Visit nearby private nursery school, headstart centers, public school pre-school programs and day care centers. Watch the children (what do they use, what are they learning?). Remember, learning what you don't want in your center is at least as important as learning what you do want.

C. Putting It Together

1. Room Arrangement

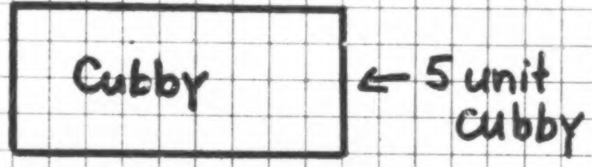
The classroom is a fascinating place where new ideas are being implemented, tested, and cast aside if after awhile they do not seem sound and beneficial to the community and children you work with.

The materials in a classroom are important. A basic essential is the way a room is arranged. The classroom environment needs to be thought about, planned, sketched out with a number of possibilities available to the staff, parents and other concerned parties. Some are: where the block corner will be, how will the reading area look, will there be a housekeeping area, what consideration made for dramatic play, where will the easels be, will there be cubbies along the wall, used for room dividers or out of the classroom. Will the shelving be from one of the commercial houses for day care equipment, will you as a group decide on making your own shelving, planning low shelves that are easily accessible to the children, or all along the walls to allow for free flow of space.

On the graph paper you can re-create your classroom, the scale is: one square = 6 inches, the furniture is also drawn to scale and can be cut out and moved around until you feel comfortable with your plan.

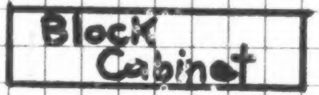
Scale: one square = 6 inches

Room Arrangement

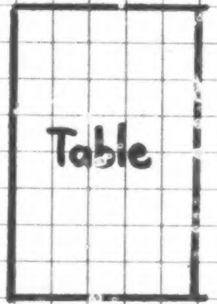


← 5 unit cubby

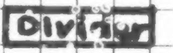
54" long, 36" wide



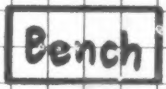
48" long, 12" wide



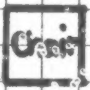
30" wide, 48" long



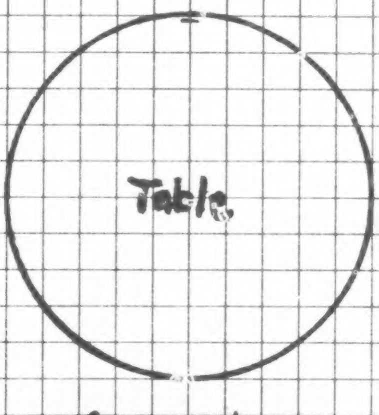
24" long, 6" wide



24" long, 12" wide

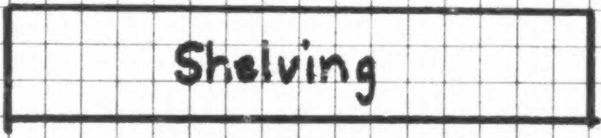


12" Chair

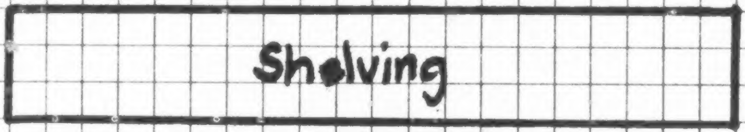


60" wide

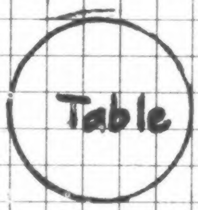
Telephone spool cable



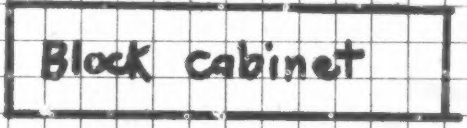
96" long, 18" wide



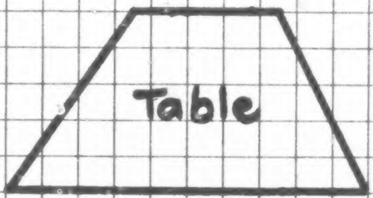
120" long, 18" wide



30" wide



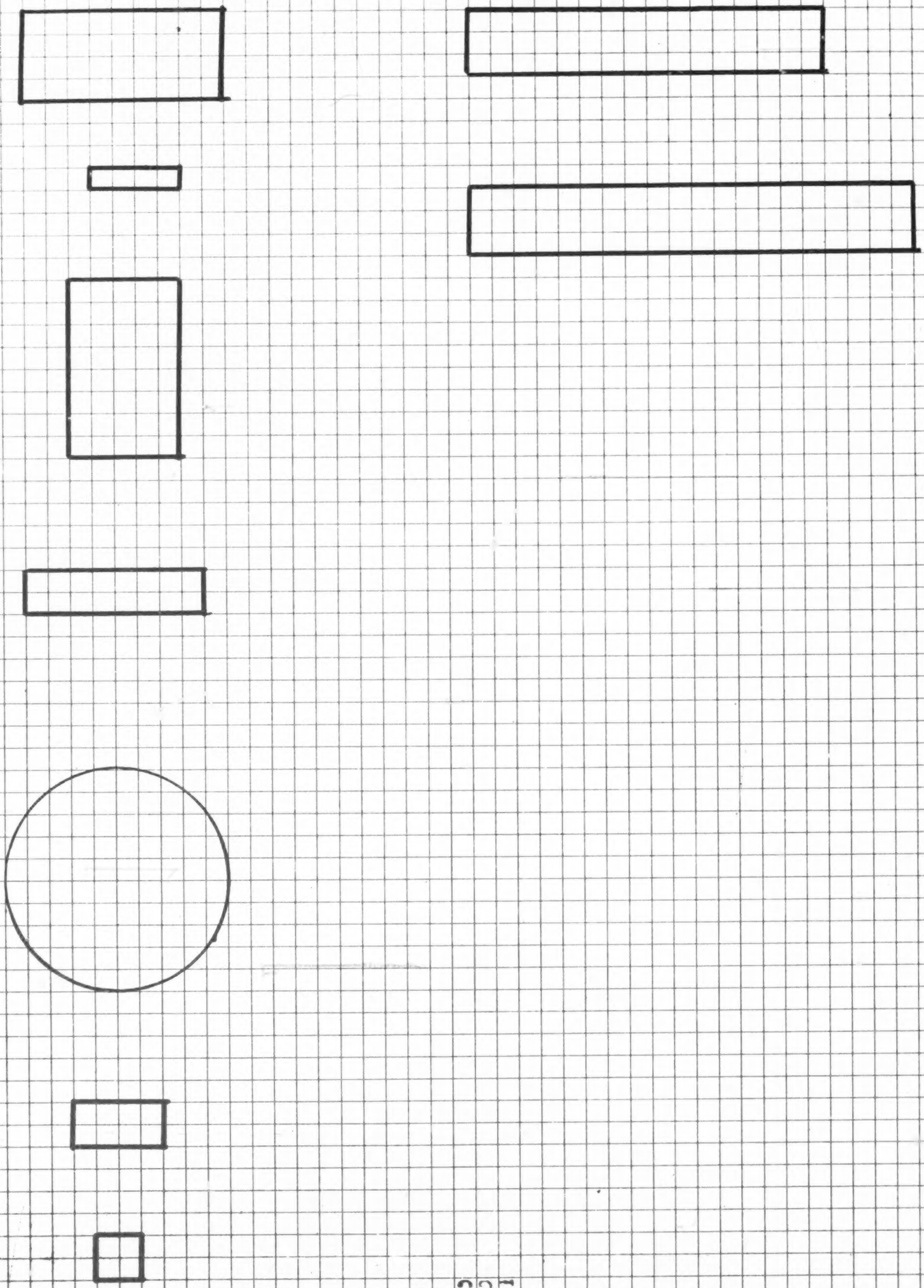
72" long, 18 "wide



30" x 30" x 30 x 60"

These are some pieces of furniture that may or may not be in your classrooms, in many instances cubbies are outside. The shapes can be traced. You can decide on how many you'll need for 16, 20 or 30 children. Work with moving them around on the graph paper until you feel comfortable with your arrangement.

Room Arrangement



EXPERIMENT WITH DRAWING YOUR OWN FURNITURE

FURNITURE

Along with the manipulative materials, housekeeping furniture, art materials and other necessary articles needed for your Day Care Program; you also need cubbies, tables, bookcases, chairs, sleeping cots, storage equipment to arrange materials and display them so that the children can see what's available and to make decisions as to what they want.

Some pieces to keep in mind are:

Storage shelves) the plastic storage
Large plastic see-through storage boxes) containers enable child
Small plastic see-through storage boxes) to go to a shelf, see and
Clothing cubbies (5-section cubby) choose what he wants, use
it, put it back by himself

Stacking resting cot (polycover)
Polycover resting mats for smaller spaces
Formica top trapezoid table
Rectangular adjustable table
Tubular steel stacking chair
Round Table
Library display units
Pegboard room divider
Locking storage cabinet
Combined record and puzzle storage section
Cork or Cellotex for bulletin boards

Colorful and relevant pictures on the child's eye level to enhance the room and children's work carefully displayed, develop a positive self-image in the young child.

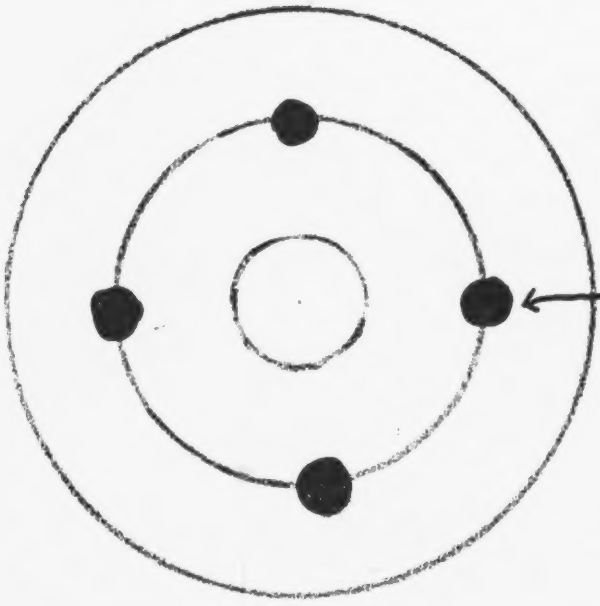
OR

Order lumber for shelving, cubbies, tables, and room dividers on a wall easel. The pictures on the following pages may be of some help in deciding where to begin.

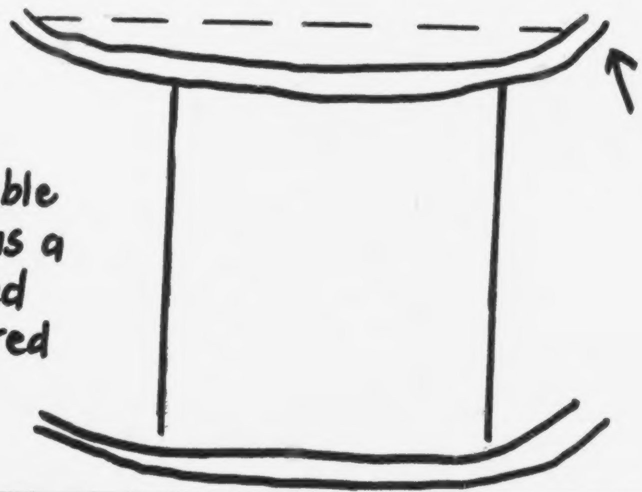
If you are interested in using some of the wall space as a bulletin board for notes to parents, other staff members, or for children to draw and/or write on. Try Pearl's Paint Store on Canal Street for chalkboard and paint.

TABLE

Telephone spool cable table



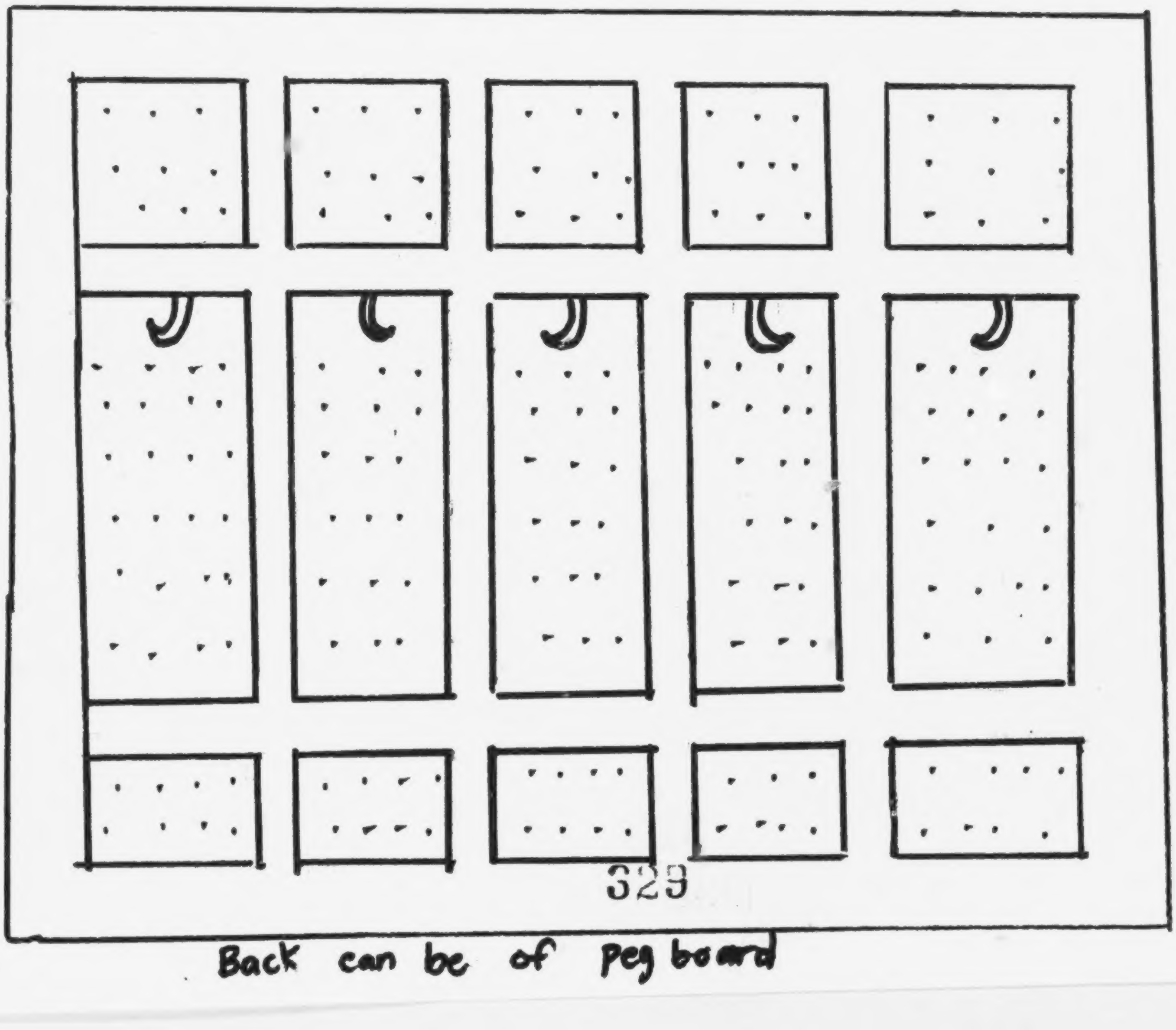
These bolts can be filled in with plastic wood



rim of the cable

The telephone cable table serves as a table, if sanded down and covered with contact.

CUBBY



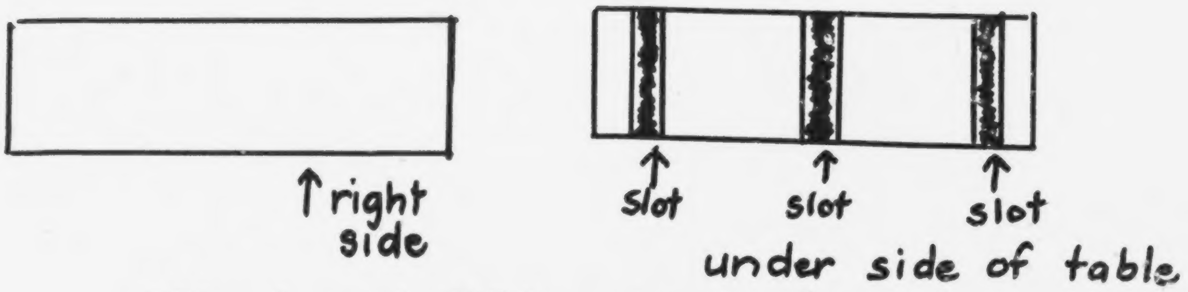
5 section cubby

60" long
18" wide

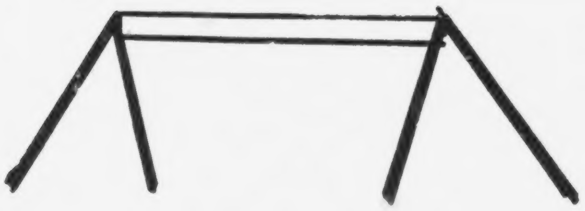
children can store many of there possessions and put boots in bottom on a rainy day

Back can be of peg board

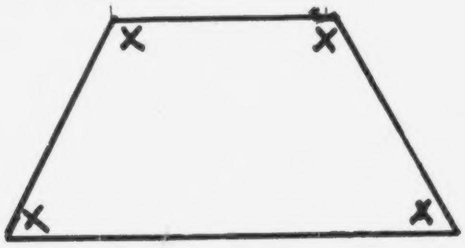
TABLES



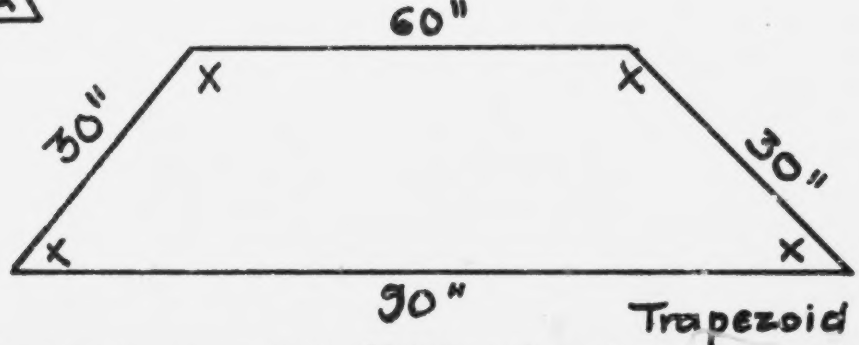
22" wide and 36" long block of wood
used as a table top



a saw horse at either end can fit into the two end slots to support the table, if the slot in the center it used the table serves as a see-saw.



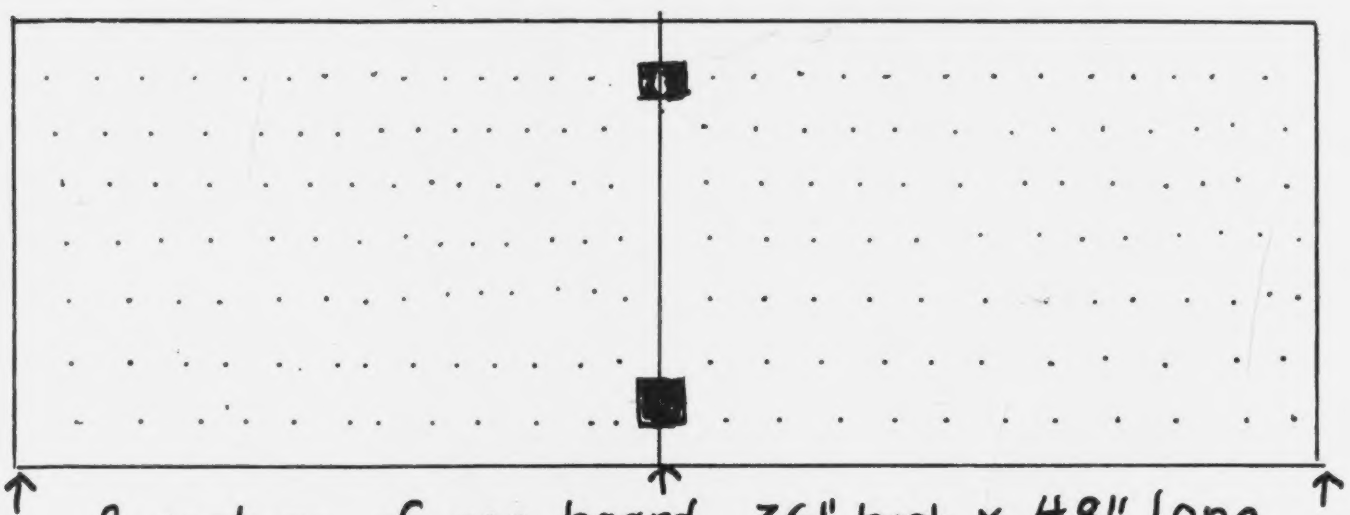
Trapezoid Table
30" x 30" x 30" x 60"
or



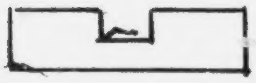
Trapezoid Table

These tables can be used individually or grouped together The table legs can be nailed in, and placed wherever the (X) appears. Depending upon the heights you want for the table legs; lengths of wood can be cut 24" or 30" from floor down.

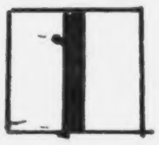
Room Divider



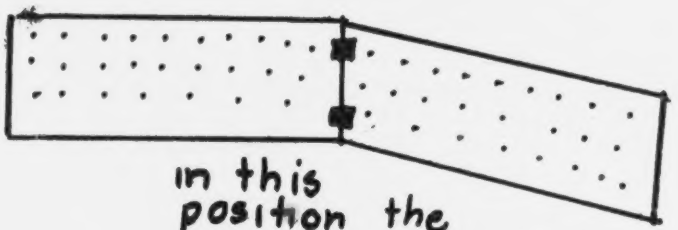
2 sections of peg board 36" high x 48" long



← slotted block of wood to be placed at each of the 3 arrows (↑).



← hinge (2 used)

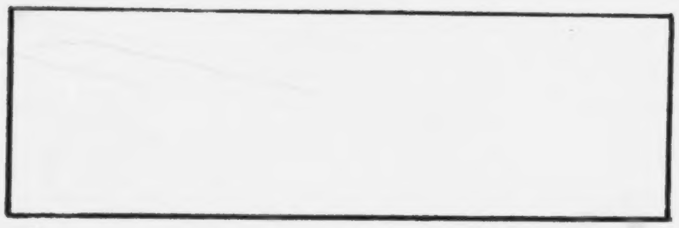


in this position the peg board can make a corner

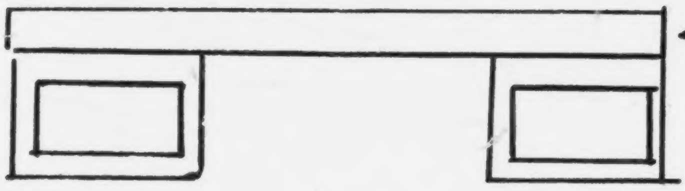
Having the pegs on the divider allow for many items to hang on hooks.

Table

low-lying table can be made using a long rectangular block of wood

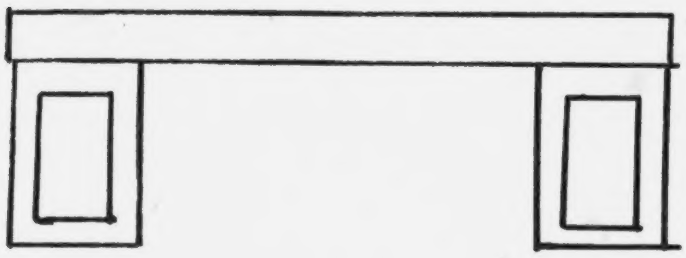


48" long, 24" wide rectangular table with orange crates or aluminum milk crates as supports.



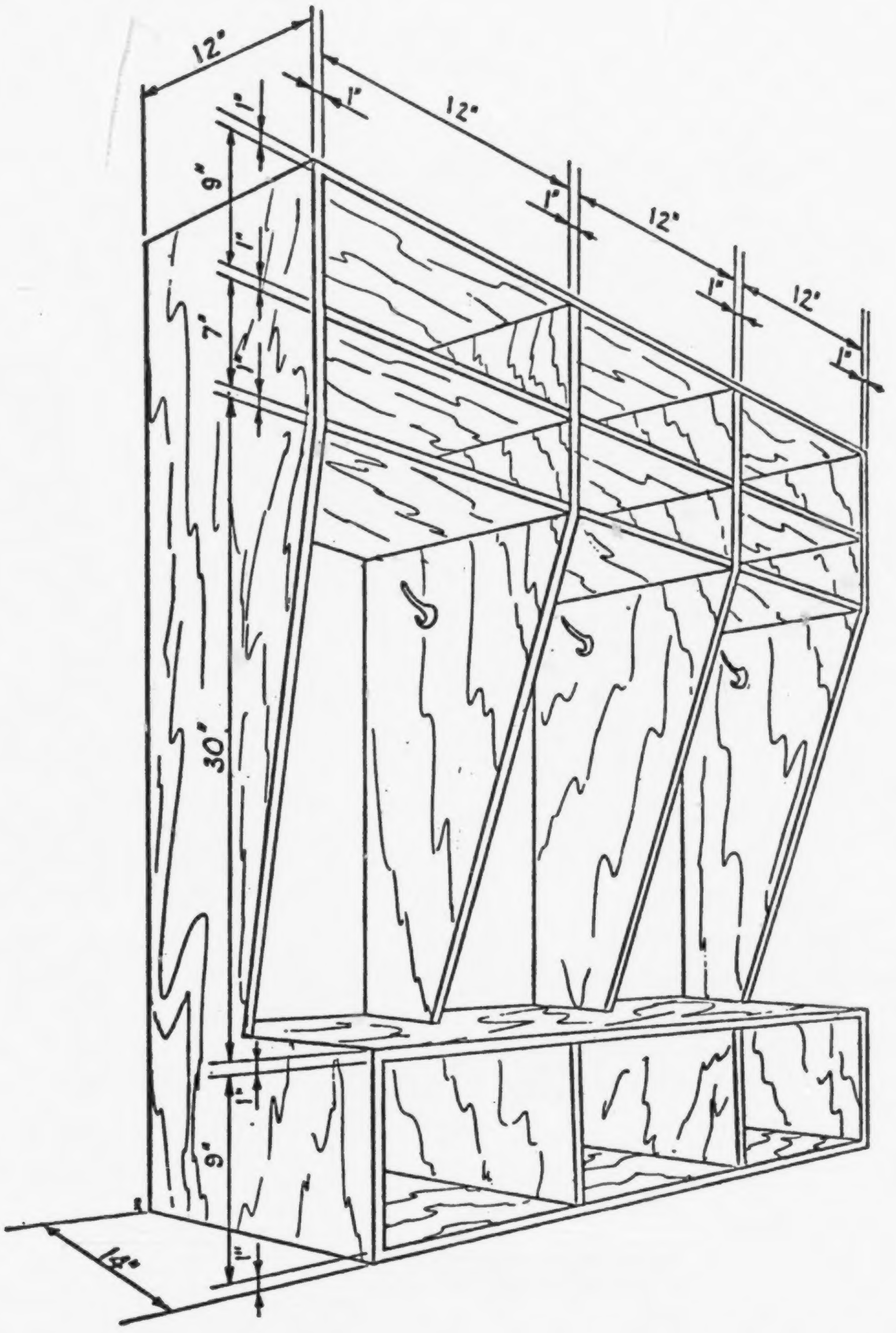
←3/4" to 1" thick wood

place the crates on side for less height



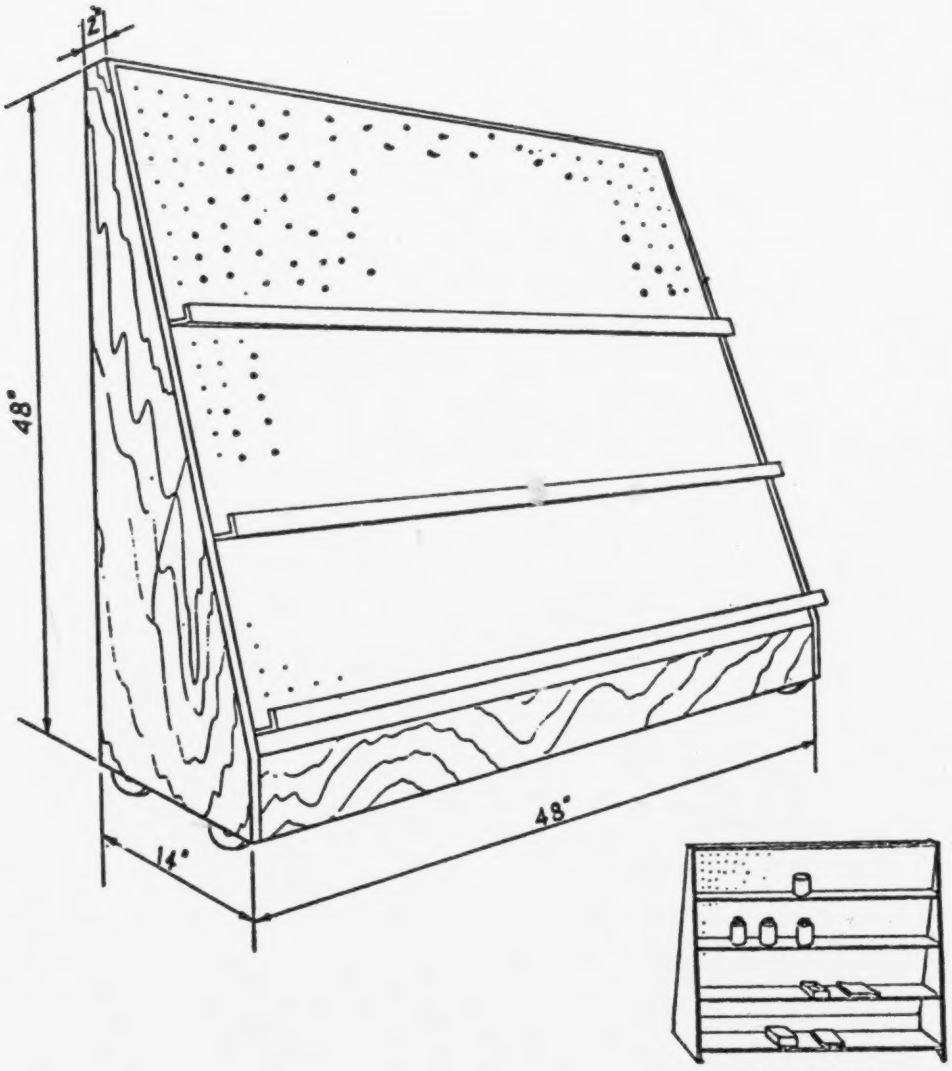
← 3/4" to 1" thick wood

place crates long way up for more height

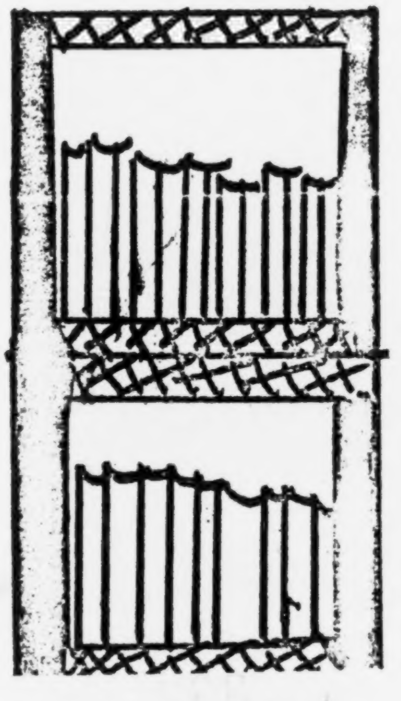


Cubbies need many sections for a change of clothing, wet boots, work to take home and a place to hang coat, hat, gloves, etc.

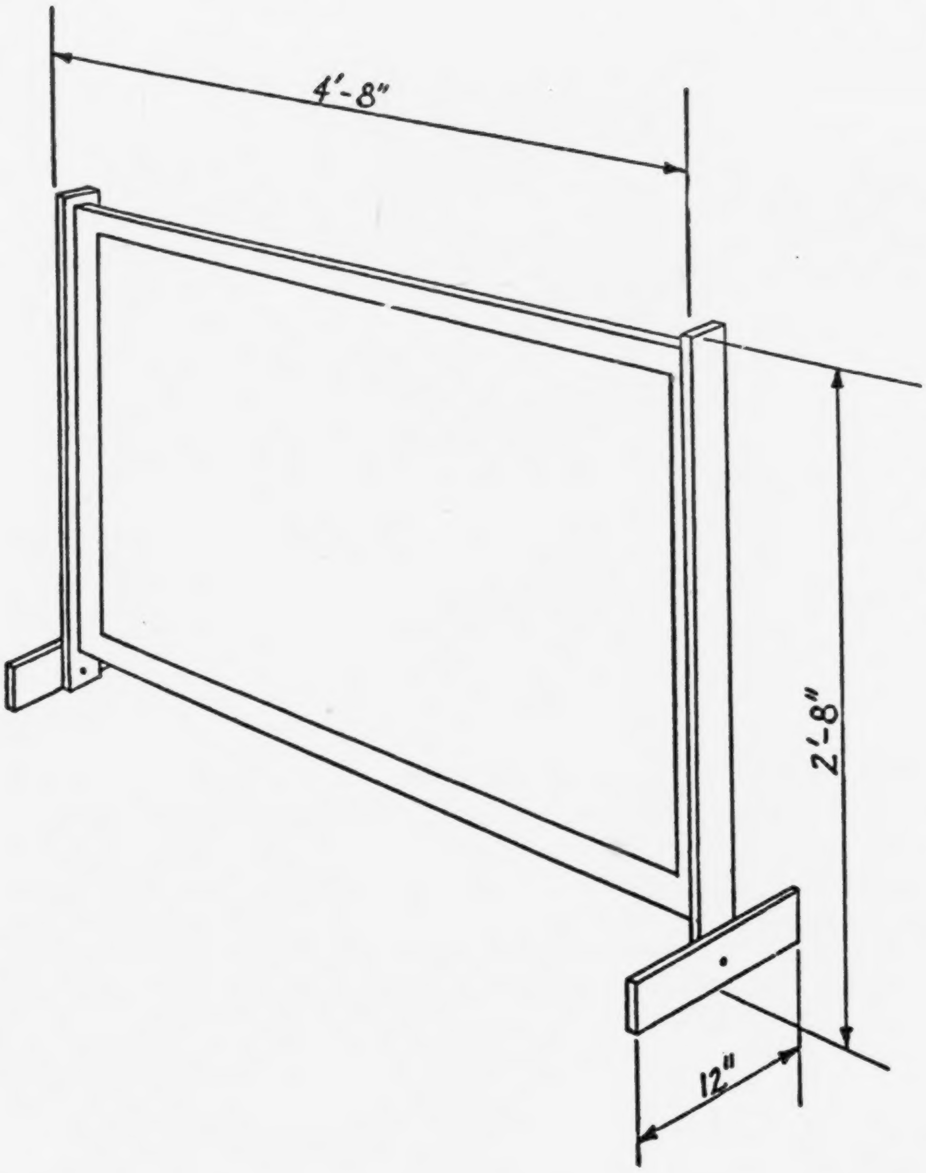
The younger child 18 to $2\frac{1}{2}$ years may fare better with a box which is his very own and he does not have to be troubled with not being able to put his coat on the hook and have it stay there. Cardboard storage boxes or cardboard boxes from A & P's, liquor stores can be used as cubbies for the toddlers.



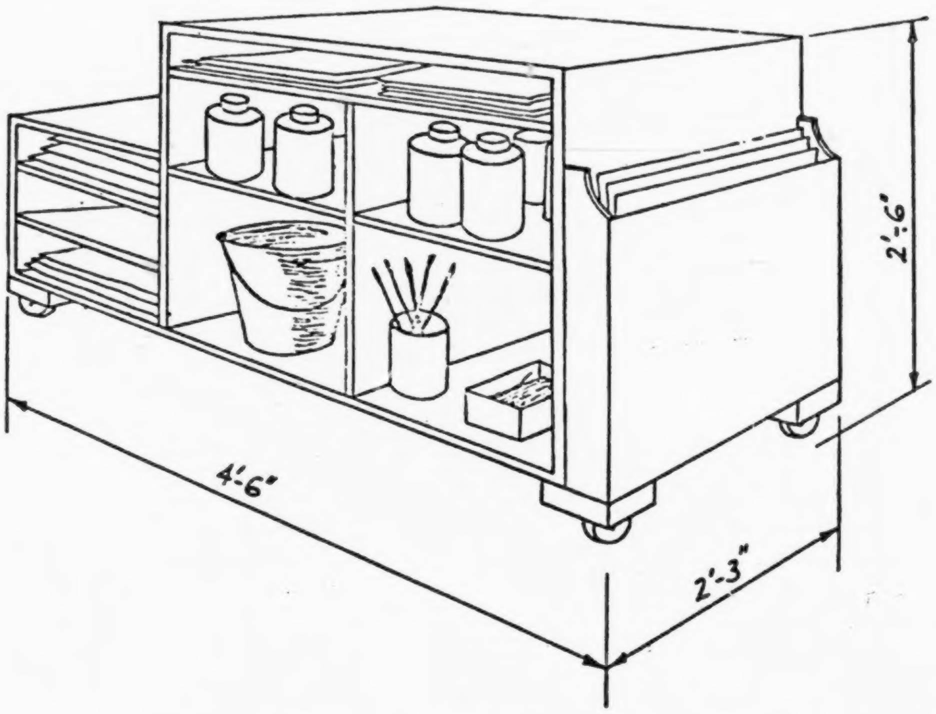
Space is a problem. Whether you are in a large room with corners to put oversized equipment or a small room that allows for little flow of traffic cabinets with dual purposes come in handy. This bookshelf can be made with wood from a lumber yard and pegboard. The back shelves can be used for extra books and other materials.



Orange crates and milk crates can also be used for storage. Two can be nailed together and painted and shellac applied also to keep children from getting splinters

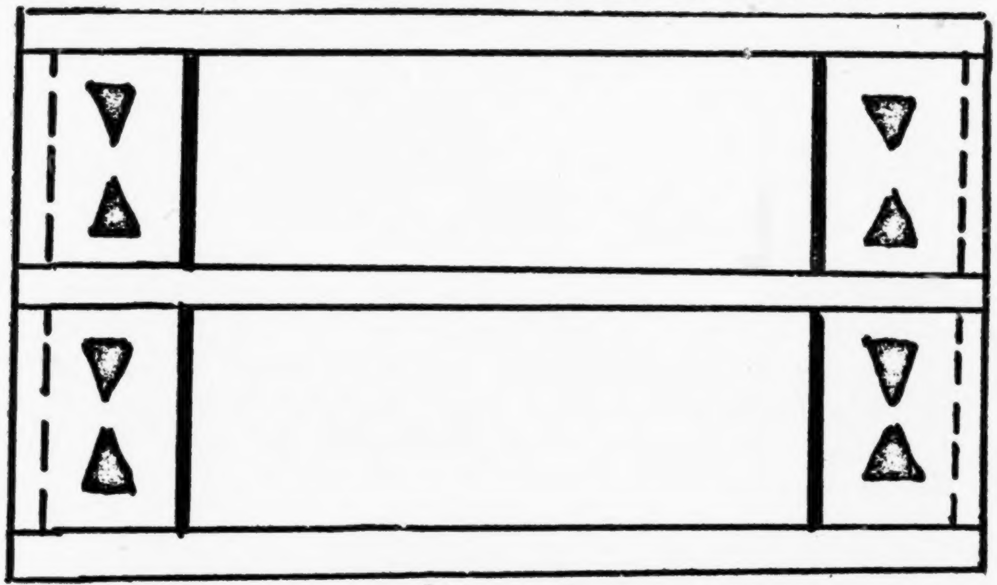


If this room divider were made of pegboard, it would serve as another area for displaying children's work, hanging clothes for dress-up. It can be made easily and used to create separations when needed without the finality you get when a wall divided one room from another or a pillar blocks your view of what's going on in the doll corner, or block area.

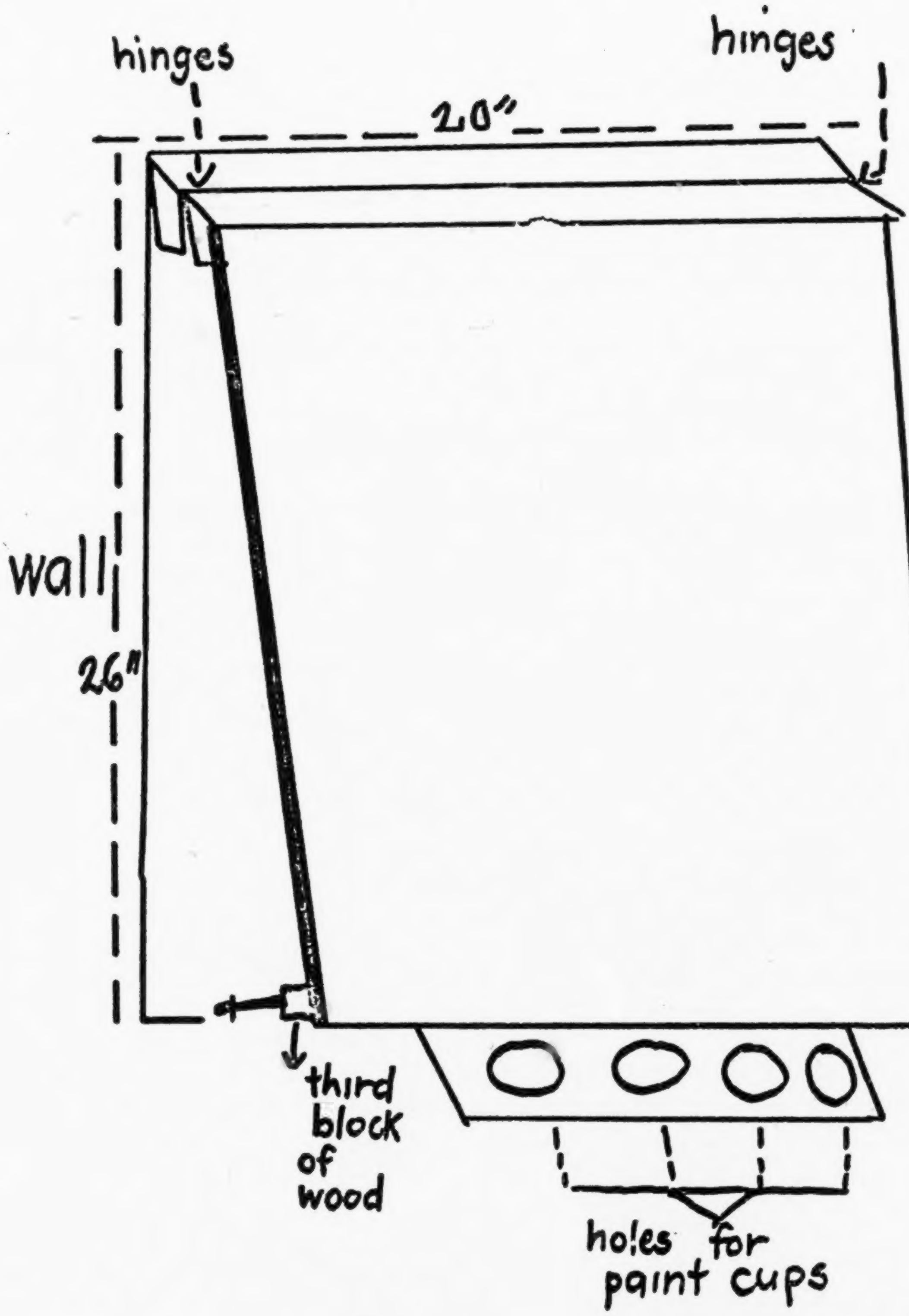


This is an example of shelving that could serve well in the art area for storage of brushes, paper, paints, smocks, and water.

Depending upon your carpentry skills, you can build a cabinet like this one or one in the illustration below.



Cinder blocks and 3/4" to 1" thick plywood can serve as temporary and permanent shelving for art work, manipulative materials and other items that need to be stored and displayed for the children to use.



This collapside easel can be easily made from plywood, two hinges, two blocks of wood 20" x 2½" x 3/4" and a third block, 20" x 2½" x 1". Adjust the easel so that it is on the child's level. Styrofoam cups can be used as paint containers, and brushes ½" and 3/4" thick can be purchased from supply houses, or art supply stores.

ART

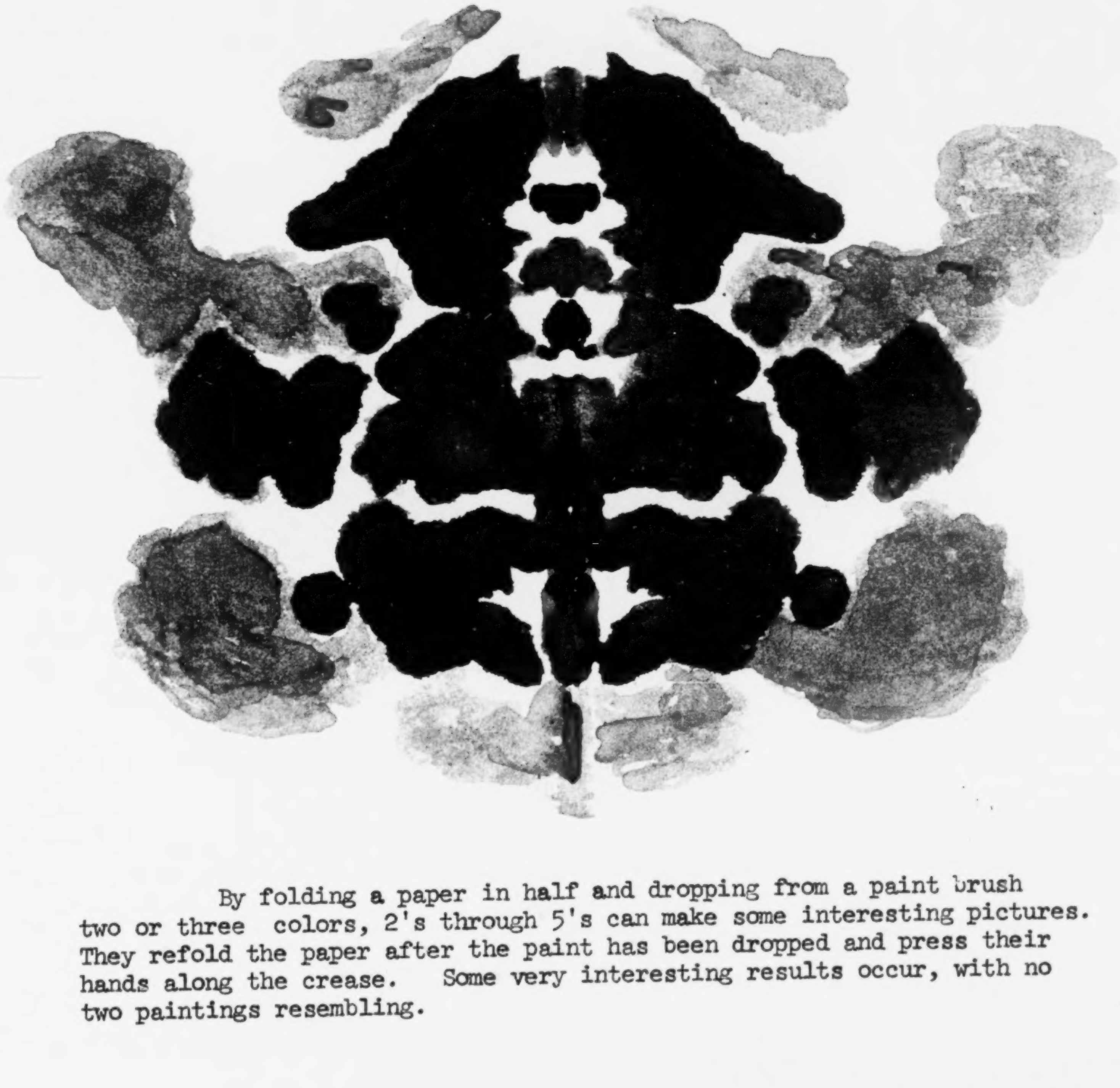
Children have an opportunity to express themselves through art. Painting at the easel, fingerpainting, working with clay, using crayons or magic markers, deciding on what materials to use for a collage, making potato prints; offer children many different channels to show how they feel about themselves, their families, their friends and their worlds.

Children can create, and experiment in art. Art projects can also be closely connected with science activities: pressing leaves between waxed paper, getting leaf impressions on manila paper with crayons, dipping leaves in paint and getting a print on paper.

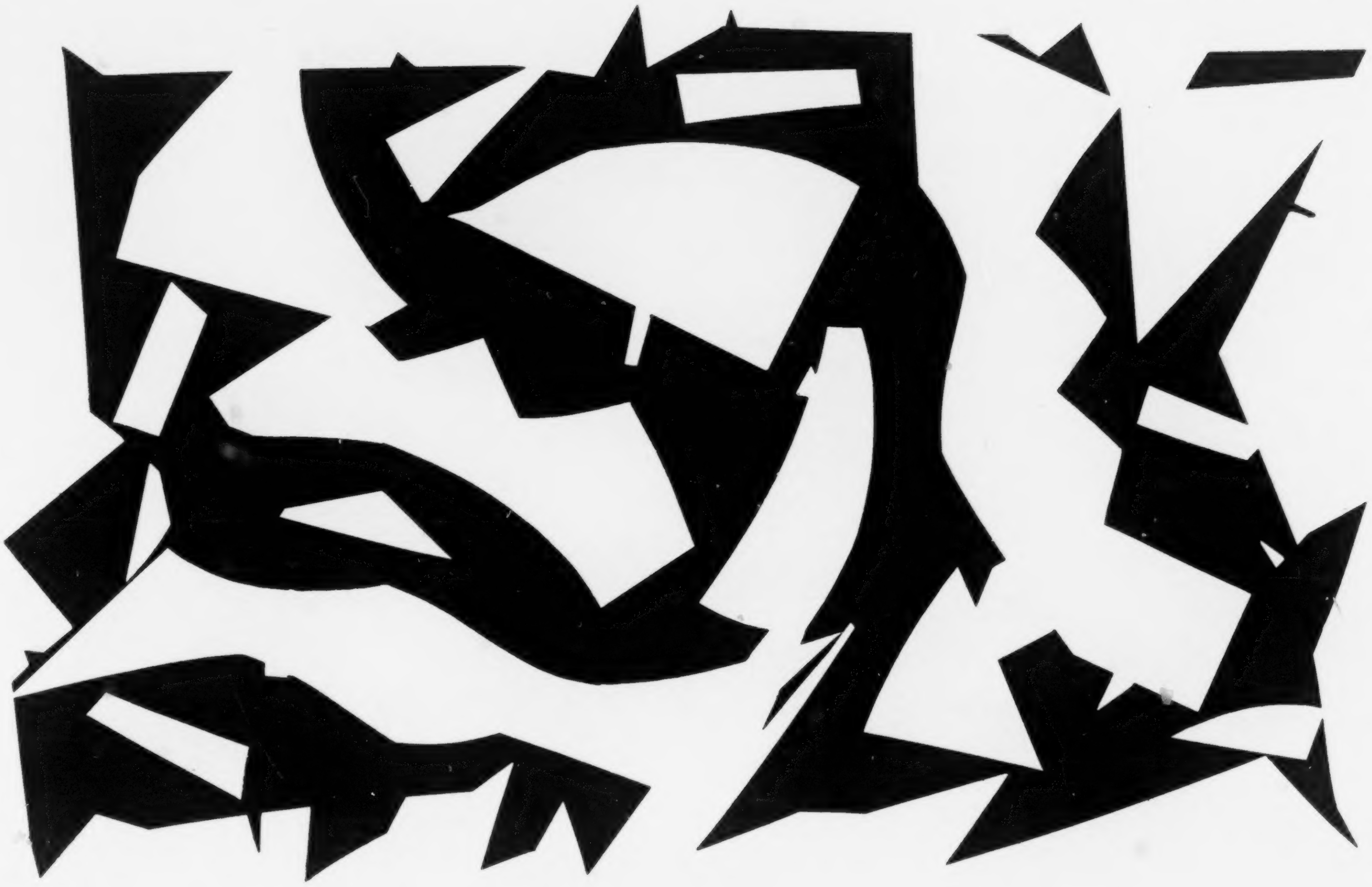
Kraft brown paper for group murals, rubbings of different textures inside and outside of the day care center, for tracing children's entire bodies and for brave child putting their hands and feet in washable paint and making prints on the brown paper.

Clay can be kept in the container it comes in. If you roll it into large size balls and put a hole in the middle of each ball and a little water in the holes to keep the clay moist; you offer children yet another opportunity to be independent. All they need to do is get a smock and clayboard and they can get their clay and begin working.

Don't make any value judgements about the child's art work. Try to find something positive in his work, "The colors are nice and bright.", "You really covered up the page in an interesting way," his choice of colors, bold strokes, how he blends colors so that the child feels art is pleasurable. Respect the child's rights, display his work at his eye level, don't pressure him to leave his work at the day care center if he does not want to. After all, it's part of himself you're asking him to leave. Children of all ages can find and discover new and interesting concepts in art, with some guidance and resources from his teachers.



By folding a paper in half and dropping from a paint brush two or three colors, 2's through 5's can make some interesting pictures. They refold the paper after the paint has been dropped and press their hands along the crease. Some very interesting results occur, with no two paintings resembling.



A Collage

Children enjoy taking many different textures, fabrics, lumber scraps, bottle caps, straws plastic holders for soda, egg cartons, and wrapping paper, pasting them on paper, they work out many unusual constructions that can run the gamut of two or three pieces of burlap on a sheet of construction paper, to a number of different fabrics, and paper with some bottle caps for variety. After children get a feeling for working on a collage, they can work on a specific collage (e.g. an animal, a zoo collage, a people collage, a nature collage, a class collage), things specific to that area or place.

Collage allows a child the opportunity if he is two or eight years old , to be creative whether he puts two pieces on a paper or twenty. A child can judge, experiment, plan use of space and finally paste his finished product on oaktag or construction paper.

ART:

Exacto Knives (available at hardware & art supply stores)	4 @
Clear Contact paper (Martin's Paint Stores)	20 yds @
Reams of Easel paper (newsprint)	12 reams @
Packages of Oaktag 9 x 12	3 pkgs
Packages of Oaktag 12 x 18	3 pkgs
Packages of Oaktag 18 x 24	3 pkgs
Packages of Assorted Construction paper 9 x 12	12 pkgs
Packages of Assorted Construction paper 12 x 18	6 pkgs
Packages of Assorted Construction paper 18 x 24	3 pkgs
Packages of Gummed Hygloss Paper	4 pkgs @
Packages of Gummed Hygloss Squares, Circles	6 pkgs
Packages of Gummed Flowers, Leaves, Petals	12 pkgs
Blunt end 4½" forged steel scissors	3 doz.
Teacher's Shears 7" long	6 @
Rolls of Brown Kraft Paper 18"	2 rolls @
8 oz. squeeze bottle (Sobo Glue)	1 doz.
Sobo Glue Quart Size	4 qts.
Best Test paper cement (pint cans)	1 doz.
Paste Sticks	2 boxes
Hardwood Paint Rack	4 @
Plastic Paint Cups (set of 6)	6 sets @
Tempera Paint (Quart) 8 qts red, 8 qts yellow, 8 qts green 8 qts blue, 6 qts blue, 6 qts black 4 qts white, 6 qts orange, 6 qts violet.	5 doz. @

Fingerpaint (quart) 8 qts red, 8 qts green, 8 qts yellow, 8 qts blue, 4 qts black, 4 qts violet, 4 qts orange, 4 qts brown.	4 doz.
Kindergarten Easels	2
Easel Clamps	4 pr.
Easel Brushes ½"	3 doz. @
Easel Brushes	3 doz. @
Finger Paint Paper $2.50 Pkg.	1 doz
Hexagonal Wax Crayons	6 doz. @
Moist Clay (50 16 can)	2 cans @
Clayboards	1 doz. @
White Chalk	2 boxes @
Colored Chalk	2 boxes @
Manila Drawing Paper 9 x 12	1 doz.
Manila Drawing Paper 12 x 18	½ doz.
Colored Corrugated Paper 2 yellow, 2 blue, 3 green 4 red, 3 white	14 rolls @
Pipe Cleaners	12 boxes @
Felt Pieces	12
Design Stamps	2 sets
Scotch Tape 1296" 3/4" wide	12 boxes
Desk Type Dispenser (Cellophane Tape 1296 3/4")	2 @
Permacel Drafting Tape (3/4" wide)	4 @
Gem Paper Clips #1	4 @
Solid Head Steel Thumb tacks #3 7/16"	1,000
Brass Paper Fasteners #2-R ½"	1,000
Brass Paper Fasteners #3-R 3/4"	1,000

Tot Office Stapling Machine	2 @
Staples Box (5,000)	2 @
Conductor Punch $\frac{1}{4}$"	4 @
School Rulers	2 doz @
Beginners Pencils (extra thick)	2 doz
Magic Markers 3 red, 3 blue, 3 green, 3 yellow, 3 purple, 3 brown, 6 black	24

BLOCKS

Blocks are necessity and mainstay in any day care classroom. In a classroom, whether it's for 2's, 3's, 4's or 5's, children need at least 400 blocks to allow for an optimum number of constructions to go up if four or five children play in the block corner. Blocks serve to aid the children in their development of many skills; math: bigger than, smaller than, more than, less than, size, shape; science: balancing, weight, use of pulleys; social studies: building airports, the house they live in, the zoo trip taken, the neighborhood around their day care center; Language arts: talking with other children about what they building, asking for certain sizes or block shapes, getting names and stories written about the block building.

Children can learn about making steps, leaving space for windows and how it can best be accomplished without the entire structure falling down through their experimentation with pulling a block here, putting one on a slant there.

Remember to Save:

Pieces of rug, string, tape, cut out milk cartons, pulleys, linoleum, spools of thread. All types of accessories enhance a child's creativity and encourage his use of as many of the accessories as possible to relate to what he wants to tell through his blockbuilding. Use black contact, cut to the shape of the blocks to enable children to put blocks back by matching shapes. The placement of the blocks is important; piling the blocks to the top of the shelf, making a large area available to the children for block play away from quiet activities will encourage them to discover blocks, with their own built-in curriculum.

To help children stay within the boundaries of the block area, a masking tape line that shows the children the extent of the block area can keep accidents at a minimum, and help the child's work on staying certain limits. Children need a full set of blocks which contains 760 pieces.

Kindergarten Primary Full School Set (4 & 5's)
Kindergarten - Half set (2's & 3's)
Block Play Traffic Signs (set of 6)
Block Play Farm Animals
Block Play Zoo Animals
Color Cubes (2 boxes)
Property Blocks
Block Play Community Workers (white)
Block Play Community Workers (black)
Block Play Family (white)
Block Play Family (black)
Kiddie Car
3-Pump Gas Station
Dominoes (Giant)

Clip-on Wheels		doz.
Steering Wheel 2 in Block		
Blockomobiles		
Half Nursery Set Hollow Blocks		
Auto	)	2
Truck	)	2
Airplane	) Child size, if possible	1
Helicopter	)	1
Boats on the river	(Set of 7)	

If money is a problem, shoeboxes taped together with masking tape, and sprayed different colors, serve as building blocks, as well as cereal boxes.

Dramatic Play DRAMATIC PLAY

Dramatic play allows the child many ways to explore the unending world of imagination and reality, where roles may be turned around--a child may be a mother or a teacher. There is no clear-cut line that separates fantasy from reality. For the moment, the child is what he pretends to be. Pretending can be fun, everyday in different ways.
Remember to Save:

- varied lengths of cloth
- fancy dresses
- men's hats, ties, jackets, shoes
- women's hats, dresses, skirts, shoes
- net or tulle
- wooden doll carriage
- doll bed
- several mirrors that can stand alone
- hand puppets
  - people
  - animals
- child's rocking chair
- pots and pans (John's Bargain Store)
- egg beaters
- bowls
- some sort of screen that can be used for stage
- telephones - see if your telephone man will leave you 2 or 3
- stethoscope

A great deal of activity goes on in the area you have set up for dramatic play. Children act out, or replay what has happened at home, their impression of one of their teachers, something that happened on the way to the day care center. An adult needs to be near this area, in case a child who needs help but does not know how to ask indicates that he is open to and willing to be helped.

Reading Stories to Children

Children enjoy sitting down in groups of threes and fours to listen to stories. They all like to see the pictures while you're reading to them. Rather than have, "I can't see it", or "You didn't show me the picture", sit with the book facing them so that they will be able to see. This little exercise requires you to have either memorized the story, made up your own story, or to read upside down.

If you do plan on reading to a group of children, some things to think about are:

1. If you're not familiar with the story take it home, read over before you read it to the children.

2. Read the story aloud, in front of a mirror.

3. Pick a book that is appropriate to the age group you're working with:

   ---for two's: a picture book
   (two or three words on a page)

   ---for three's: a picture book, or a colorfully illustrated book with a few sentences on a page

   ---for four's: a book in color or black and white, not too lenghty.

   --- for five's: a number of words, if necessary you can edit, book should have some action, story that they can relate to

Have some questions ready to ask the children about the story. Eye contact with children is important. Keep the length of a book in mind. Young children have a limited attention span. Read to them with enthusiasm. Encourage the children to ask questions.

A reading area separate from noise is important so that a child can sit in a rocker, on a pillow or on a rug and "read"to himself. An old lamp also helps to add an inviting and enticing reading area, that a child will go to and use frequently.

Books are expensive but important language aides for young children. The local library or Bookmobile may be other sources for you to obtain books for your day care group. Also a number of children's books are available in paper back.

For people interested in developing a reading program with the four-five year old group, take pictures of the children engaged in various daily activities and at home, have thechildren dictate the story to you. They will soon learn to read their own words.

The books listed in this section are multi-ethnic and represent a wide scope ofideas and age groups; choose from them the titles that seem most appropriate to the children in the community you will be serving. Try to go to the children's section of the library or to a bookstore to look over the books and decide if they really fit the needs of your particular group. If the books do not seem suitable to you perhaps the idea of using photos of children, their surroundings and relatives to evolve books that specifically relate to the children you are working with might be more to your liking. In the section on ideas for equipping day care programs you may find some ideas that could help you in this way.

BOOKS

Look at Me - Phyllis E. Lindsay (1-2 yrs)
Pat the Bunny - Dorothy Kunhandt (1-2 yrs)
Big Lion, Little Lion - Mirian Schlein (3-5 yrs)
Box with Red Wheels - M.Petersham (3-5 yrs)
Caps for Sale - Esphyr Slobodkina (3-6 yrs)
Curious George - H.A. Rey (5's)
Everybody Eats - Mary M. Green (2-4 yrs)
Everybody Has a House - Mary M. Green (2-4 yrs)
Green Eyes - A. Birnbaum (3-5 yrs)
Make Way for the Ducklings - Robert McCloskey (5's)
Millions of Cats - Wanda Gag (4-5's)
Mr. Tall and Mr. Small - Barbara Brenner (4-5's)
Sleeping Book - Charlotte Zolotow (3-5's)
The Story About Ping - Marjorie Flack (4-5's)
How Do I Go? - M. & N. Hopberman (3-6's)
Katy and the Big Snow - Virginia H. Burton (5's)
Mike Mulligan and His Steam Shovel - Virginia H. Burton (5's)
Saturday Walk - Ethel Wright (3-5's)
Gilberto and the Wind - Marie Hall Ets (4-5)
Hooray for Jasper - Betty Horvath (4-5)
The Lollipop Party - Ruth A. Sonneborn (3-5)
My Dog is Lost - Ezra J. Keats and Pat Cherr (5)
New Boy in School - May Justus (5)
Sam - Ann Herbert Schott (4-5)
Seven in a Bed - Ruth A. Sonneborn (4-5)
A letter to Amy - Ezra Jack Keats (3-5)
Goggles - Ezra J. Keats (3-5)
Hi Cat - Ezra J. Keats (3-5)
The Snowy Day - Ezra J. Keats (3-5)
Whistle for Willie - Ezra J. Keats (3-5)
Peter's Chair - Ezra J. Keats (3-5)
A Weed is a Flower - Aliki (5)
What Do I Say? - Norma Simon (3-5)
Will I have a Friend? - Miriam Cohen (3-5)
Amigo - Byrd Baylor (5)
The Little Red Lighthouse & The Great Grey Bridge - Hildegarde Swift (5)
The Flower - Mary Louise Downer (4-5)
Maria - Joan Lexau (3-5)
Beef Stew - Barbara Brenner (3-5)
Ronnie's Wish - Jeanette Perkins Brown (3-5)

Where Do You Come Fron? - John R. Koch
Little Boy Who Lives Up High - John & Lucy Hawkinson (3-5)
Wake Up City - Alvin Tresselt
Big and Little, Up and Down - Ethel C. Berkeley (4-5's)
Boxes - M. Jean Craig (4-5's)
The Carrot Seed - Ruth Krauss (3-5's)
Do Baby Bears Sit in Chairs - Ethel and Leonard Kessler (3-5's)
Do You Know What I'll Do? - Charlotte Zolotow (3-5's)
First Night Away from Home - Myra Berry Brown (4-5)
A friend is Someone Who Likes You - Jean Auglund (3-5)
Go Away, Dog - Joan L. Nodset (4-5)
Gone is Gone - Wanda Gag (5's)
Grandfather and I - Helen E. Buckley (3-5)
Harold and the Purple Crayon - Crockett Johnson (3-5)
Having a Friend - Betty Miles (3-5)
I know a Magic House - Julius Schwartz (5's)
In the Forest - Marie Hall Ets (4-5)
The Noisy Book - Margaret Wise Brown (3-5)
The Quiet Noisy Book - Margaret Wise Brown (3-5)
Play With Me - Marie Hall Ets (3-5)
The Shadow Book - Beatrice Schenk do Regniers (4-5)
Umbrella - Tara Yashima (3-5)
What Can You Do With a Pocket - Eve Merriman (4-5)
When a Boy Goes to Bed at Night - Faith McNulty (3-5)
When a Boy Wakes up in the Morning - Faith McNulty (3-5)
When Will My Birthday Be - Letta Schatz (3-5)
Over and Over - Charlotte Zolotow (4-5)
Barto Likes the Subway - Barbara Brenner (5)
Emilio's Summer Day - Miriam Anne Boume (4-5)
Evan's Corner - Elizabeth Starr Thill (5)
Days I Like - Lucy Hawkinson (3-5)
Uptown - John Steptoe (4-5)
And I Must Hurry To The Sea - George Mendoza (3-5)
A Hole is to Dig - Maurice Sendak (3-5)
Where the Wild Things Are - Maurice Sendak (4-5)
Shhhbang, A Whispering Book (3-5)
A Very Special House - Ruth Krauss & Maurice Sendak (3-5)
Is it Hard - Is it Easy - Mary McBurney Green (2-5)
Who's There? Open the Door! - Bruno Munari (2-4)
Goodnight Moon - Margaret Wise Brown (2-4)
Swimmy -Leo Lionni (2-6)
City Rhythms - Ann Grifalconi (4-5)
Hello Henry - Margaret Ilse Vogel (3-5)
Look! - Zheny Gay (2's)
Your Skin and Mine - Paul Showers (4-5)
Black is Beautiful - Ann McGovern (2-5)
J.T. - Jane Wagner (2-5)
What's Wrong with Julio ? - Virginia Ormsby (3-5)
Bienvenido, Roberto
Pablo Paints a Picture - Warren Miller (3-5)
The Tomten - Astrid Lindgren (3-5)
Crow Boy - Taro Yashima (3-5)
Little Pear - Eleanor Frances Lathmore (3-5)
Amigo! Amigos! Amigos - Ruth Jaynes (3-5)
Eres Tu Mi Mama? - P.D. Eastman (3-5)

Benjie - Joan Lexau (3-5)
Stevie - John Steptoe (3-5)
Follow the Wind - Alvin Tresselt
Rain Drop Splash - Alvin Tresselt
Sun Up - Alvin Tresselt
White Snow, Bright Snow - Alvin Tresselt
The Cooking Book - Betty Miles (3-5)
The King's Wish - Benjamin Elkin (2-5)
Sam and the Firefly - P. D. Eastman (2-5)
The Cat in the Hat - Dr. Seuss (2-5)
Green Eggs and Ham - Dr. Seuss (2-5)
Shapes - Miriam Schlein (3-5)

Manipulative Materials

If you have blocks, art, music, science, dramatic play articles and books, you may think you do not necessarily need anything else. In order to offer a number of possibilities to the children in your classes, to allow for many activities to occur at the same time, and to free classroom staff to touch bases with a wider number of children in a much more meaningful way, manipulative materials are needed. Children can sit at tables and work with puzzles; develop visual and manual dexterity in working with beads, and pegs; develop spatial relationships in placing the circles on the color cones according to size; learn how to snap, zip, button and buckle all by themselves. All of these activities help children develop skills, utilize them in many different ways and move from the simple to the complex in a manner that may at times seem like play to many adults, but to the child is the serious and amusing task of learning.

All by Himself	2)	Helps boys and girls button, zip, snap and tie
All by Herself	2)	
Peg Sorting Board		
Play Chips		
Color Cone	2)	Two year olds can learn size, and ordering
Nok-out Bench	(for two year olds)	
Nok-out Bench Refill		
Wooden Mosaics		
Shape Sorting Box		
Learning Tower		
Threading Block	(2 yr. olds)	
Enlarged Peg Board		
Enlarged Pegs	(1,000)	
Wooden Jumbo Beads		
Steel Puzzle Rach		

Puzzles ranging from simple 3 and 4 piece puzzles for some two's, to 5 and 8 pieces for three's, to 8 and 11 pieces for four's and up to 15 pieces for five's.

Lottos of all types help children discover matches, animals, what's missing, their alphabet, numbers, fruits.

Alphabet - has upper and lower case letters, three flannel boards and numbers to help children with the alphabet and numbers 1 thru 10.

Music

An interesting and imaginative music program can be developed through the needs, experiences and interests that a child brings to school with him. Music is another means by which thechild can express himself, develop self-awareness and have fun.

The adults and children in the classroom can listen to records; sing along with the piano, autoharp or guitar; play songs on the drum, triangle or tambourine; gallop, hop, skip and march to music; play, act out songs - - e.g. "The Wheels on the Bus", "Punchinello", "I've Been Working on the Railroad", and "Little Sally Water".

Take scarves, strings, balloons, hoops or ribbons and move to music.

When you are working with children at music time, here are a few pointers to keep in mind:

Do you participate and join in on the music time?

Are the children familiar with the songs or rhythms present?

Are the songs and rhythms appropriate for the age group you are working with?

Is there a variety of songs and rhythms?

Do the children use any materials during music?

- rhythm instruments: drums, wood blocks, triangles
- scarves
- balloons
- ribbons
- hoops

Equipment for Music Area includes:

- Steel drum	
- Aluminum Maracas	2 pr.
- 17-note Kalimba	
- Wooden tone blocks	3
- Record player (one that is hardy and does not have too many gadgets so the children can work it.)	

Some records you might consider:

The Folkways Collections have appropriate and interesting records by Ella Jenkins, Peter Seeger, Charity Bailey, Tom Glazer. Also children need to hear things they are familiar with. If they can sing all the words to the Jackson Five at two and three years of age, and dance the Penguin, the Breakdown, and the Funky Chicken as sung by James Brown, Supremes, Temptations and others, they can learn reading, writing and arithmetic. Also, the rhythms of

Puerto Rico and the West Indies, and some light classical music will enhance his world and offer the child a well-rounded music experience.

Science

Science. This word may sound like something way out of your field of experience, but it doesn't have to be. For pre-schoolers, science is something interesting but not mysterious.

Science is:

pour water from a glass to a jar to a bottle and watching it spill over in one, not to come to the top in the other and "be all right" in the other; collecting leaves and taking rubbings of them or pressing them between contact, or colllecting a number of leaves, mounting them, putting the mate between pieces of contact and playing a matching game; making ice-watching water change from liquid to a solid; placing soap bars, sponges, rubber bands, a plastic spoon, small blocks of wood, paper clips; placing them in a basin of water to see if they sink or float; feeling a card with different textures of material - velvet, burlap, corduroy, cotton, terry cloth--talking about how they feel; making butter by beating heavy cream with an egg beater, until it separates into butter and curds; holding a magnet to paper clips, buttons, iron scraps, wood, hair pins, crayons; going outside on a cold day, breathing and watching what happens to your breath; taking soap suds or Ivory Flakes and beating them with an egg-beater until they are whipped; planting seeds from pumpkins, apples, oranges, grapefruit and watching them grow; making a thermometer; putting lentils on wet cotton and watching the roots grow, putting rice, grain, pebbles, nails, different types of beans in different tobacco cans, shaking the cans and discussing and guessing what is in them; taking a clean rag, putting it outside on a cold day watching it freeze; going on a nature walk--collecting rocks, classifying and categorizing them or adopting a tree and watching it change with the seasons; looking at shells, putting them to your ear, talking about color, size, shape and sound; making a terrarium, watching the plants grow; getting a pet: (turtle, goldfish, gerbil, rabbit or white mice); making solutions of sugar and water, salt and water, vinegar and water, honey and water, lemon and water, matching tastes; trip to the pond to collect tadpoles, pond water.

Things to save:

different textured materials, rocks, shells, leaves, seeds from different fruits, plants and animals add to science area plastic containers of varied shapes and sizes, sponges, other necessary tools for a good preschool Science program are:
Small Horse-shoe Magnets
Clear Glass prism 3" x 1"
Magnifying Glasses 3" diameter
Super Magnet
Four Way Kaleidoscope
Ceramic Magnets
Bar Magnets
Basic Electricity Kit
Iron Filings
Hot Plate

Waterplay

Playing in water is an enjoyable pastime for children and provides a number of learning opportunities. Different temperatures of water, adding more water, letting some water out, pouring water from one sized container to another, beating water with an egg beater, sifting it, adding food coloring to it, talking about the color change, adding Ivory Soap Flakes to the water and beating it to a consistency which looks like whipped egg whites - all these things help children to develop math, language, visual, motor, science skills which have considerable value and importance to a child's moving on to other more difficult tasks.

Make sure you have plastic smocks for the children, plastic drop cloths to put under the table, various sizes of plastic squeeze bottles, and clear plastic hose.

Sand and water play table
Colander
Unbreakable sand pail and shovel
Aluminum Can and Sifter Set

If you discover that a sand and water play table seems too expensive, try one of these suggestions:

1. Use a large plastic baby basin, that you bathe infants in. This can be purchased at John's Bargain Stores for about $3.00.

2. Large galvanized tubs used to bob for apples in or to do laundry serve as excellent containers for water or sand. A local hardware would have the tubs.

3. Make your own with lumber and sheet metal and a sink stopper to let the water out. (See instructions for water play table.)

Animals

Having an animal in the room helps children see how other living things grow, and helps children develop their sense of responsibility. Turtles and goldfish are nice, but they must be properly cared for, and when you think of children handling animals you'll want something durable. Because many children are not able to differentiate gerbils (which bear a close resemblance to rats), and white mice from rats seen in the street; you might think twice about having these animals, unless you have talked it over thoroughly with the children and have taken them to a pet store. Another alternative is an Angora Guinea pig. It has much longer hair and least resembles a rat. It is a hardy pet and quite friendly. If you decide to purchase white mice and gerbils, let the children handle them to find out that they are cuddly and lovable. Guinea pigs and hamsters are rather friendly and live for a long time. If you have enough space, a rabbit or baby chicks might be ideal pets.

The ASPCA has a pet-of-the-month program and the local pet shops serve as excellent resources for purchasing pets or having a variety of animals on hand.

Woodworking

What active child can stay still for longer than 10 to 15 minutes without fidgeting or accidentally hitting some other child? Not too many . Pounding away at the woodwork bench gives children a chance to experiment with what happens when you hammer a nail into some wood and what I can do with it, if I like it. Boys and girls enjoy hammering, sanding, and painting their "masterpieces" that can be anything from a tie rack to a sail boat to a shape.

Woodwork Bench & Vise		
Set of Tools (and replacements) hammer, saw, screwdriver, an extra vise		
Tool Cabinet		
Jumbo Bag of Woodcraft Parts		6 Bags
Sandpaper	(large sheets)	3 doz.
Sandpaper	(small sheets)	3 doz.
Wooden Wheels	(assorted sizes),	2 gross
Wooden Dowels	1/8"	2 doz.
Wooden Dowels	3/8"	2 doz.
Wooden Dowels	½"	2 doz.
Wooden Dowels	½	2 doz.
Large Lead Nails (Hardware Store)		
Spray Paint - red, yellow, blue, green		
Scraps from the Lumber Yard		

Outdoor Equipment

Even though the weather gets quite chilly, and below adult temperature, you may want to go outdoors. Provided that the weather isn't freezing, children need the fresh air and the opportunity to release some of their energy. They need some assistance in making use of their time after they've danced the Hokey Pokey, turned with Little Sally water, and shook with Shake it Senorita and played some of the other circle games. These are a few items you might consider:

Punching Bag on Stand	
Rubber Kindergarten Ball	(5")
Rubber Kindergarten Ball	(6")
Rubber Kindergarten Ball	(7")
Rubber Playground Ball	(7")
Set of 6 hoops	
Tunnel of Fun	
*Ball Bearing Skip Rope	
Inflatable Clown	50"
Rocking Boat	
Ball Bearing Skip Rope	
Vari-play House Gym Slide	
Pair of Stairs	
3 in 1 Saw Horse (Aluminum)	
3 ft. Ladder	(2 & 3 yr. old)
4 ft. Ladder	(4 & 5 yr. old)
38" Nesting Bridge	(2 & 3 yr. old)
Sliding Board	(6 ft.)
Balance Beams	

***The hardware store has a clothesline that can be cut into many small ropes for the children to jump with individually. Save a large piece for Double Dutch.**

SOME THINGS TO MAKE AND DO WITH CHILDREN

In day care or pre-school programs the children will require numerous activities to help them improve upon the skills they already possess and move on to others that represent a little more of a challenge. Equipment for large and small muscle stimulation and coordination for children two through five years of age is an important purchase order. However, due to a number of problems, funds are not always available for purchasing such equipment. Also, parents enjoy making things to use at home. The following pages contain some ideas that can be employed in your day care programs that are available at minimal or no cost at all.

If a small petty cash supply is on hand, some things you can purchase include:

Transparent Contact - any hardware store 49¢ a yard
Exacto Knives - art supply, stationery, hardware store for 65¢ or 80¢ with Blades
Paint - Spray or poster paint to use on wood or cardboard.
Oaktag - variety of colors, 20¢ a sheet
Magic Markers - red, blue, black - 49¢ each

THINGS TO COLLECT

Large Cardboard boxes
shoeboxes
ribbon scraps
twine, string
plastic bottles, all sizes, shapes
milk containers
paper towel rolls
toilet paper rolls
remnants of yard goods
baby food jars
coffee cans
egg cartons-cardboard and plastic
juice cans
cans from pipe tobacco
oleomargarine containers
Christmas cards
Christmas ribbon and paper
milk crates
orange crates
buttons
rocks
aluminum foil
nails
sponges
spools - wooden and styrofoam
paper bags
wax
wire screen
yarn
aluminum pans
buckles
pop-it beads
beads
bracelets
hat box
stockings
socks
towels
tubes
ballbearings
confetti
excelsior
Band-Aid boxes
mirrors
sand
tacks
steel wool
canvas
cord
rubber stamps
potatoes
crayon pieces
muslin
ornaments
aluminum pans
bottle caps
cellophane
nuts and bolts

zippers
wooden clothespins
magazines
newspapers
felt
paper tubes
tongue depressors
plastic straws
linoleum
pipe cleaners
sandpaper
sea shells
thread
tiles-mosaic, linoleum
shoe laces
paper dishes
necklaces
rope
hooks
lacing
leather remnants
Ivory Soap Flakes
wallpaper catalogues
wooden beads
marbles
safety pins
braiding
burlap
corn stalks
rubber bands
candles
wire hangers

TO BE . . .

Shoebox

Serves as a place for storing a number of things: rocks, shells, buttons. Also painted bright colors and with question marks it serves as a SURPRISE BOX in which children two through five years of age enjoy having their eyes covered and guessing what's in the shoebox.

Hangers

Coat hangers serve as excellent holders of mobiles. Shapes serve only as an idea, magazines, fabric, wallpaper serve as useful ways of engaging four and five year olds in decoration and working out balance with whatever materials they choose, a hanger and string.

Magazines

Serve as wonderful resources. Children of all ages enjoy cutting out things of interest, and pasting them on paper or:

1. Puzzles: using two magazines-one cut into two or three pieces for two and three year olds, five to seven pieces for four and five year olds. and the other on a manila envelope so the children have an idea of how it is supposed to look.

2. Books: a book on foods children are familiar with.
" " " people of different races
" " " houses: fire, ware, apartment, private, etc.
" " " transportation, cars, bus, train, truck, bicycle, plane, roller skates
" " " number concepts: Things that contain 1,2,3, 4 or 5.

3. Cutting pictures out of magazines and putting them on display at the child's eye level.

4. Cutting pictures out and asking children to tell you what they feel or see, good for language development

Buttons, Zippers, Laces, Snaps

Sewed on or stapled with material enable children to master the skills of lacing shoes, buttoning coats, zipping jackets and snapping pants.

Spools of Thread (Wooden)

1. Use in place of stringing if you paint them bright colors.

2. Teaching idea of small, medium, large

3. Art Work - Elmer's glue or Sobo glue enables three to five year old, glue empty spools of thread and make interesting designs.

4. Using pipe cleaners and telephone wire children can make (construct) many interesting things.

Music and Rhythms

If a record player is available children enjoy hearing and moving to the rock and roll, Latin rhythms and country and western music they may hear at home. Also, some of the street chants contain movement and action children of all ages enjoy: Little Sally Water, Hands up, Tut,tut; Here we go Zoodeeay, Giant Steps, etc.

Buttons, Rocks, Pop-it Beads

Rocks: Make wonderful sorting objects, children may classify the rocks into such categories, big, little, small, smooth, bumpy, shiny, glittery, "ones I like", there are so many possibilities available.

Buttons: Can be categorized by children - they can be classified by shape, size, color number of holes, textures, weight - the ideas lie with thechildren as far as available possibilities. Boxes that contain compartments make nice sorting boxes, or plastic containers that the margarines come in serve as useful sorting dishes also.

Pop-it-beads: Can be sorted according to color and serve also as an excellent tool of measurement for 3's.

Rubbings

Brown paper and crayons add to new dimension to the classroom or outdoors. Children take the brown paper, put it on different things inside: a window sill, a radiator, a door, or outside: sidewalk, mail box, license plate, leaf, fence door and take the crayon and rub it across the paper.

Wires and Tooth Brushes

Old wire from screens cut into squares serves as an art tool: four and five year olds enjoy spatter painting. Cover the wire with masking tape and use an old toothbrush dipped in paint and brushed across the screen to get the fine sprays of paint that make spatter painting interesting.

String, Sponge, Potatoes and Bottlecaps

These tools can also be used for art. String and sponges cut into small and large pieces dipped in varied colors of paint add a new feeling to a child's art world at two, three, four and five. Potatoes can have designs cut in them and then dipped in paint. Bottle caps can also be dipped in paint and placed on easel paper.

Leaf Lotto

For two and three year olds, a square, divided into four sections with four different leaves on it, with matching leaves on cards (board and cards have transparent contact covering it) helps with visual perception and making choices.

Four and five year olds can have a number of vari-colored leaves and shapes covered with contact. The larger board is made of cardboard or oaktag covered with transparent contact. Children can match the leaf they hold with its match on the lotto board.

Plastic Bottles

Of varied sizes and shapes, serve as excellent containers for pouring with 2's through 5's. It's rather exciting to see water from a large Clorox bottle poured into a liquid detergent bottle spill over. Plastic detergent bottles, Clorox, bleach, shampoo are good resources for plastic bottles.

Puzzles

Pictures cut from magazines, showing fruits, people, animals or foods, then pasted on heavy cardboard cut in three or four pieces, then cut out frames for puzzles, from remaining cardboard, may be used.

Flannelboard

Using a large piece of cardboard from a washing machine box, etc. and an Exacto Knife you can make a flannelboard, a multi-purpose tool in any classroom. Felt purchased from a 5 & 10 can be pasted on with Elmer's Glue (or Sobo Glue) on a large square (24" or 30") of cardboard.

Shapes cut out from vari-colored pieces of felt and a line cut from felt enable you to work with 3's, 4's and 5's on such non-numerical terms as: above, under, next to, on, in front of, in the middle of, at the end of, etc.

Pictures from magazines backed with felt enable children to use the pictures to tell a number of ideas on people, foods, places, etc.

Figures and other felt cut outs help you and the children tell their own stories.

Cardboard boxes

These can be used for storage or children's cradles, dollhouses, trains, grocery stores, post offices, stoves, refrigerators, sinks and tables.

Save a variety of sizes and experiment. The children can assist you in the painting. An Exacto Knife helps you cut the cardboard rather accurately.

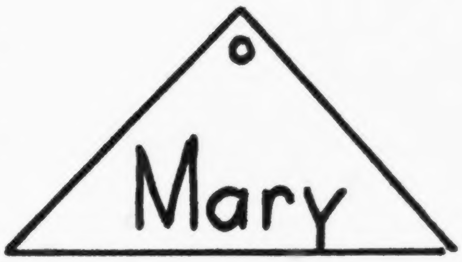
Coffee Cans

Wonderful containers for buttons, pencils, magic markers or special things that children want to hold on to.

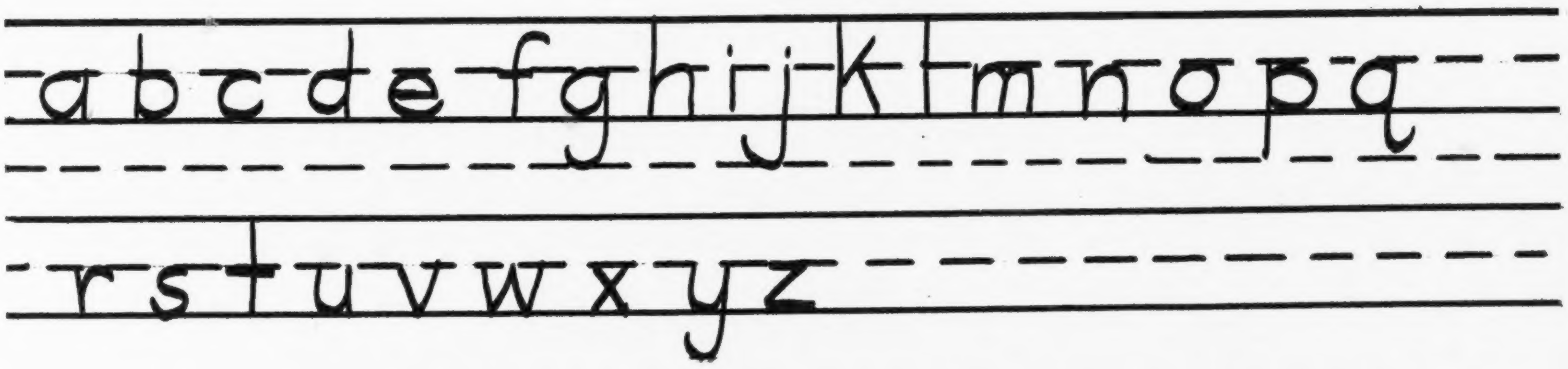
If beans, rice, sand, gravel are put in the coffee cans and covered with the plastic tops they make excellent sound cans.

NAME TAGS

Name tags for children and teachers are quite important during the first weeks of school. They are another means by which children learn to read. Oaktag, in a variety of colors, is durable; punch a hole in it and put a string through. Shapes and colors will help a four or five year old to distinguish his tag from his friend's. Two and three year olds may fare better with symbols (Δ, #, ☁, ▼) or a photograph of themselves with their name under it to help them tell their name tag from Sally's or Kelita's.



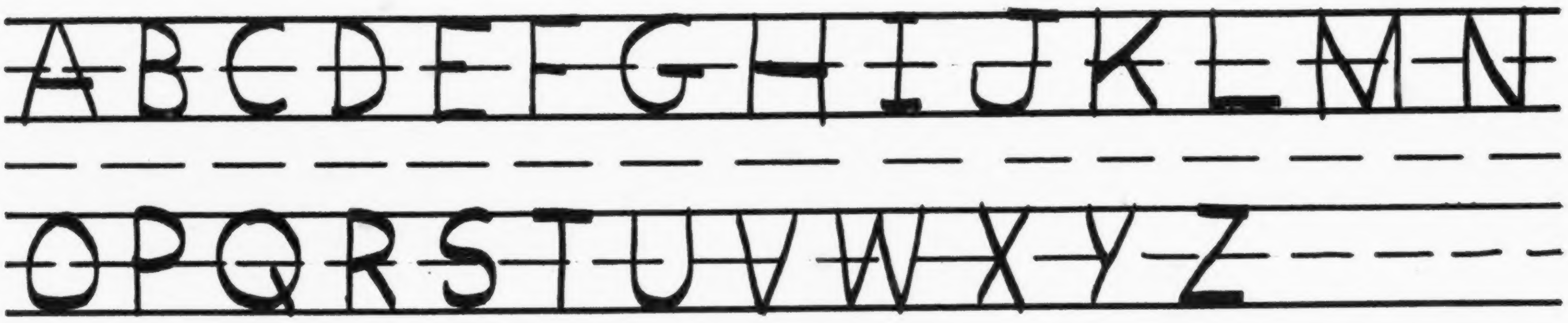
ALPHABET (lower case)


a b c d e f g h i j k l m n o p q
r s t u v w x y z

Practicing the alphabet gives us the opportunity to present a model to children when we write names on cubbies, or art work, make labels for materials on shelves, or write information on a chalkboard.

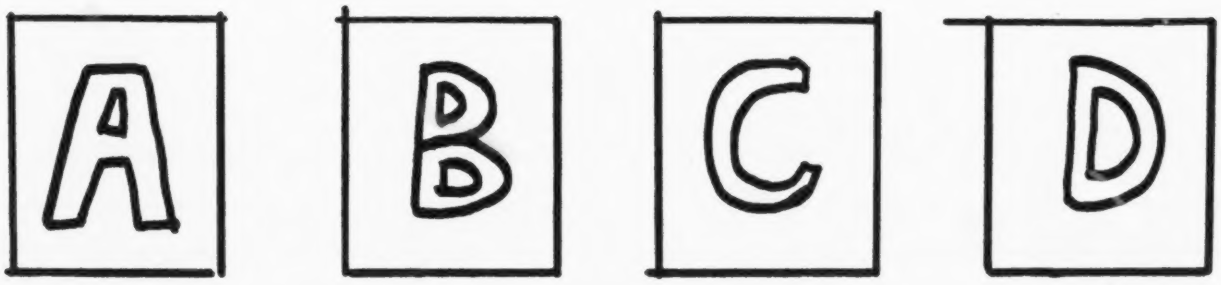
Cards with the individual letters on oaktag can be used for recognition of letters.

ALPHABET (upper case)



Upper case letters take more time and space, when printing we need to make sure we write Alicia and not ALicia or ALICIA. Younger children can be introduced to the upper case letters first. At the time when they are ready (four or five), they can utilize both upper and lower case letters.

TOUCH AND FEEL LETTERS



1. Get a package of sand paper, enough to cut out upper and lower case letters (52 in all), oaktag cut in squares.

2. Cut out the letters of the alphabet on sand paper and paste on a square of oaktag (3" square)

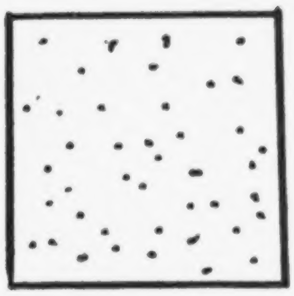
3. This is a good idea for giving three year olds and older a true picture of how each letter is made, they can feel the letters. (A game can be played by having children guess the letters by touch blindfolded.)

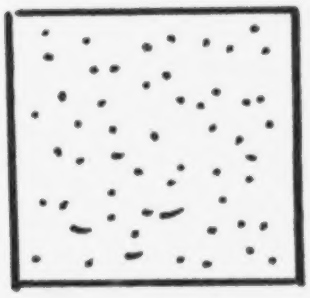
LANGUAGE EXPERIENCES FOR YOUNG CHILDREN

Need: Polaroid Camera (Swinger or Colorpak), two packages Polaroid film, AG7 flashbulbs, 3x5 cards, black construction paper, clear contact, magic marker.

1. Take children on walk around the neighborhood, or on a trip to the zoo, or take pictures of children painting at the easel, building with blocks, making play dough or fingerpainting.
2. Let pictures set, and place on construction paper, children can dictate stories or sentences to go under the pictures.
3. Children can give stories or pictures a name.
4. Place clear Contact on entire page to cover both 3x5, captions and picture.
5. Put the pictures in order.
6. It's a BOOK! For ages two to five.
7. The community you live in has a wealth of things to explore.

TEXTURE CARDS

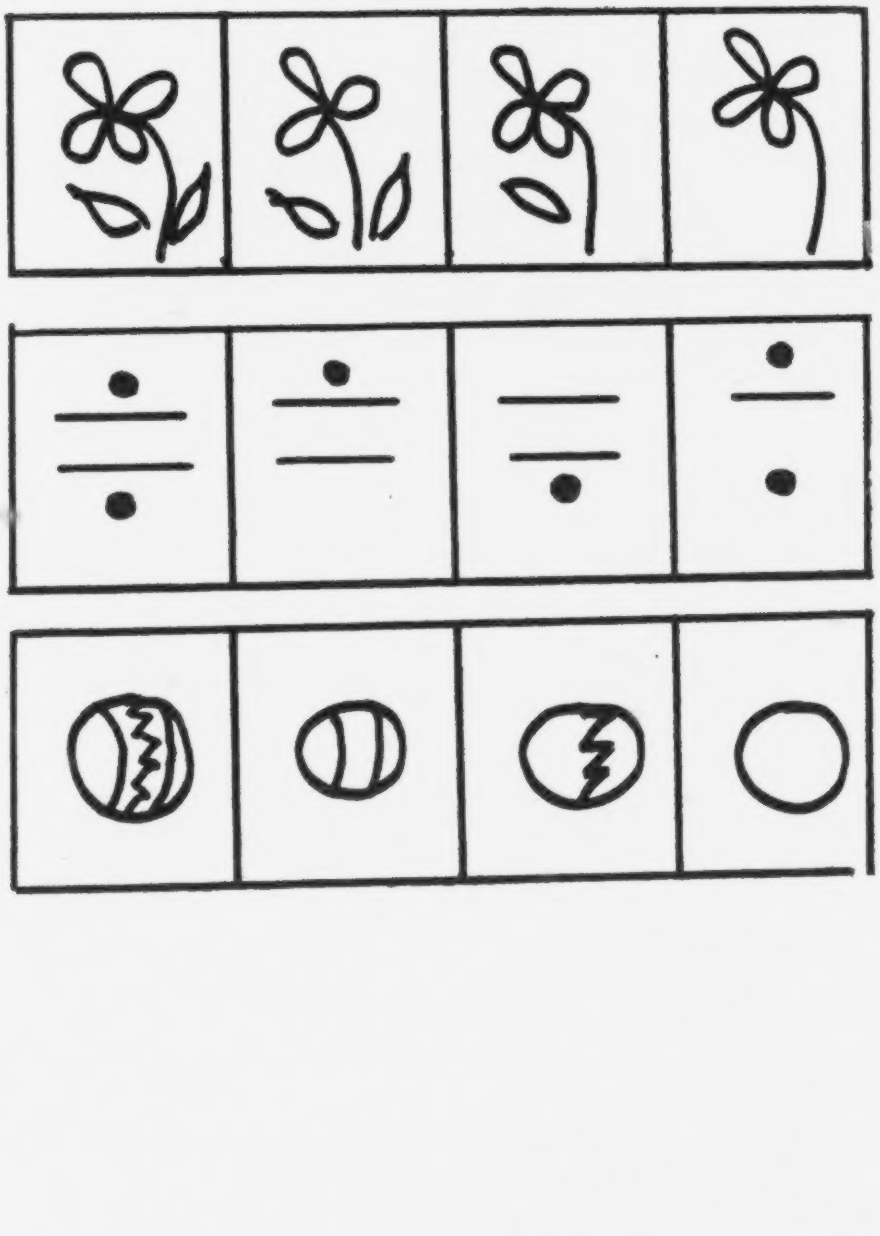




1. Cut six pairs of 3" squares.
2. Find as many different textures of of material as you can.
3. Cut material into 3" squares (2 for each fabric)
4. Paste on 3" square.

Burlap, silk, wide wale corduroy, pinwal corduroy, sand paper, nubby wool, velvet, suede, leather are some suggested fabrics (textures) that you can use with 3's through 5's.

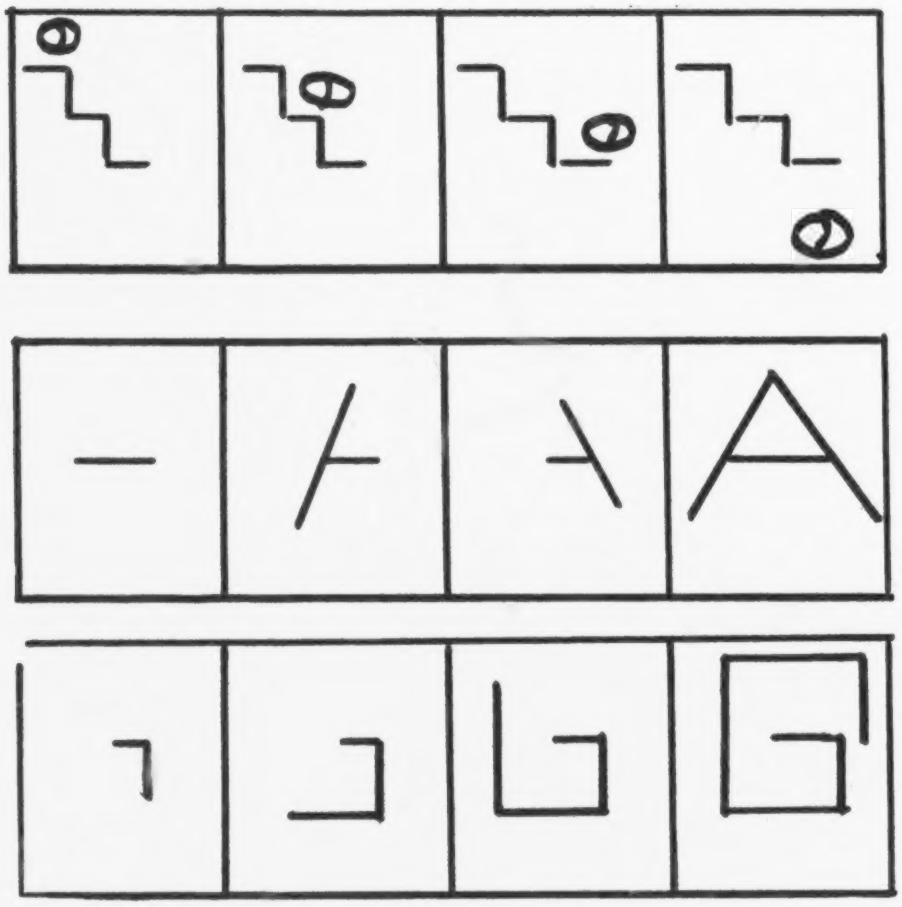
WHAT'S MISSING?



These are just some of the possibilities for getting children to notice differences and to focus what they are.

This reading readiness experience helps the child to increase his visual skills; as this goes on, you can make more than one object that has everything intact.

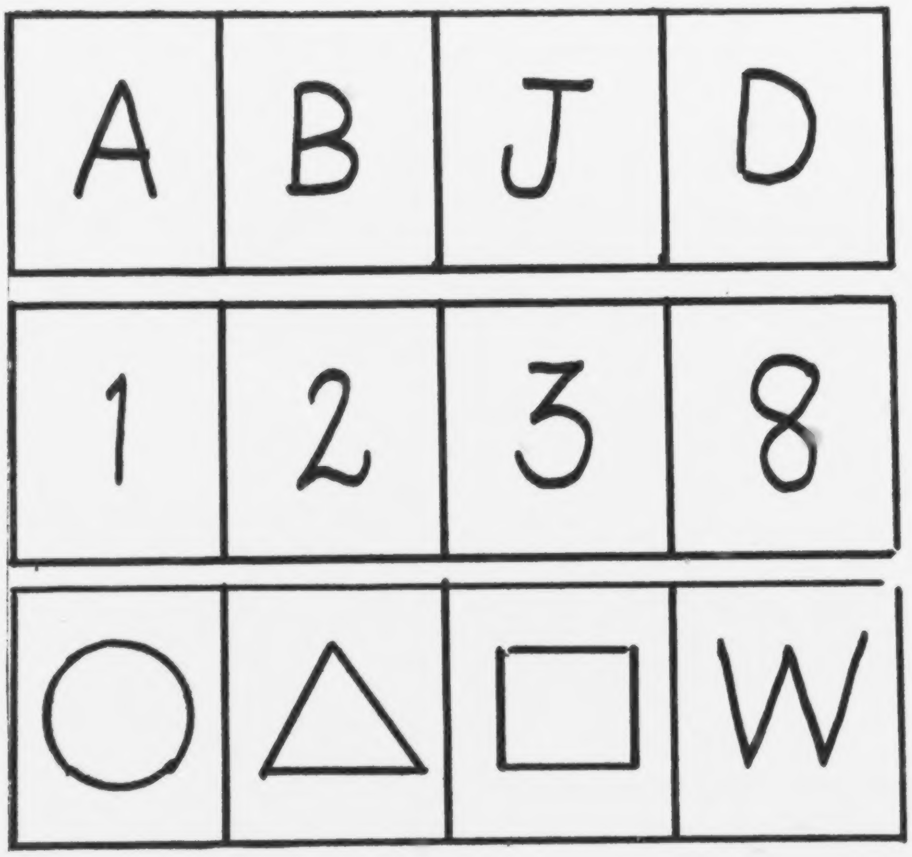
WHAT COMES NEXT?



Many different ideas may be used to help a child develop skills in sequencing events which occur. There are certain steps: 1,2,3,4. One leads to two, to three, and finally four. The first card is stationary and places are marked for the other 3 steps. Children can tell you why they would make the sequence a certain way. You can act as a resource person to help the child explore and experiment until they find a workable solution and arrangement of first this happens, then this, and this, and this is what the end is.

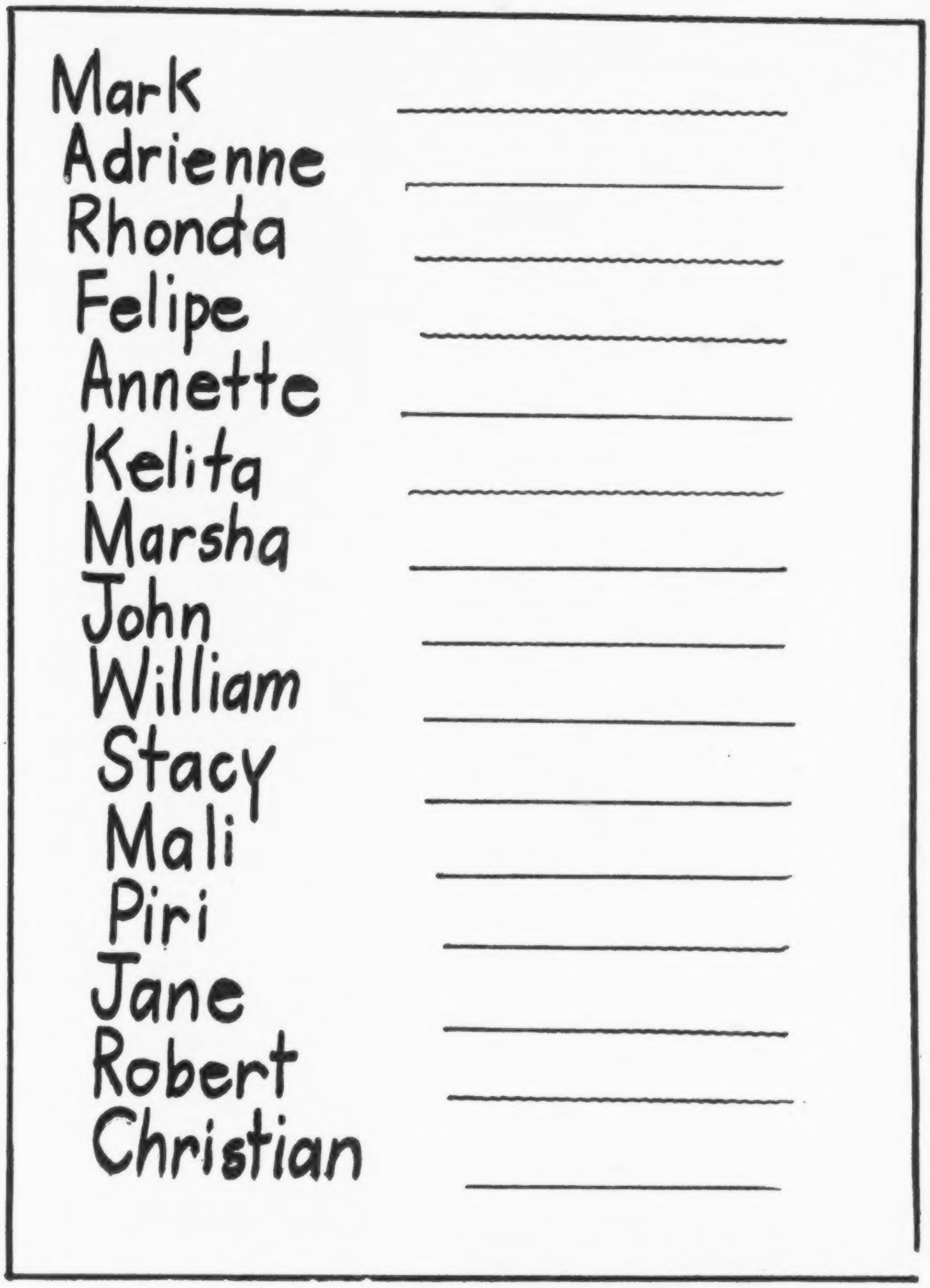
Magazines, oaktag and magic marker can help you decide on these or other sequence cards.

WHAT DOES NOT BELONG?



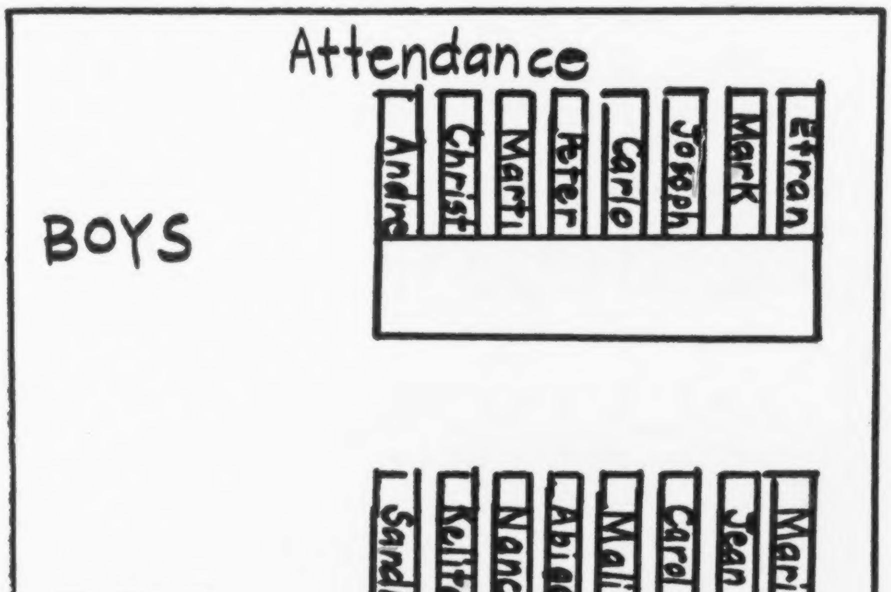
This task can be used with fruits and one that is not a fruit, with parts of the body, articles of clothing, names of animals, to help children look at things closely and then make the decision that there should be a "C" where the "J" is, a "4" in place of the "8", and a ▭ or ◇ where the "W" is.

332.



ATTENDANCE

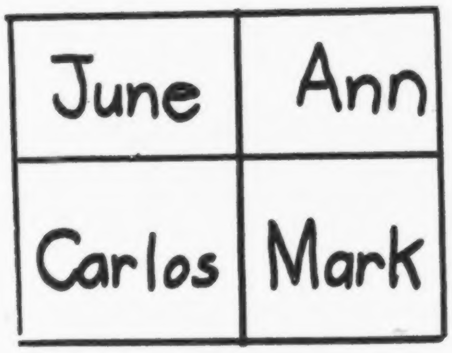
This attendance list can be hung on the child's eye level. Print the names carefully. Matching names are on cards under the list.

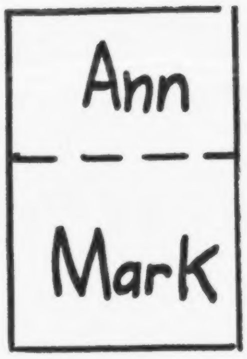


This chart is placed at the child's eye level and can be green for boys, red for girls. They can pick their names from the pocket on on the back of the attendance chart and put the names in the pocket.

Use with four or five year olds.

READING READINESS (1)

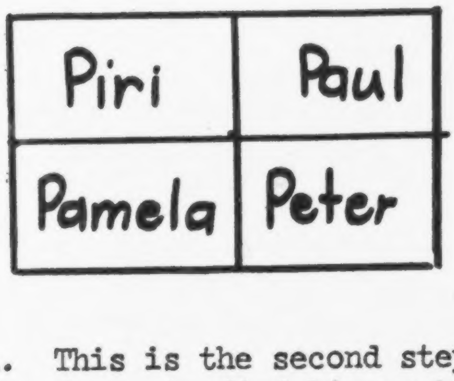


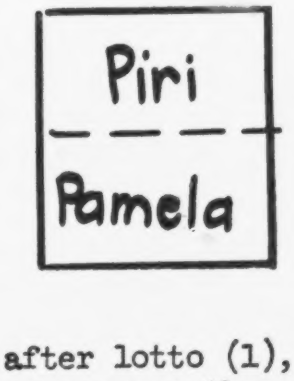


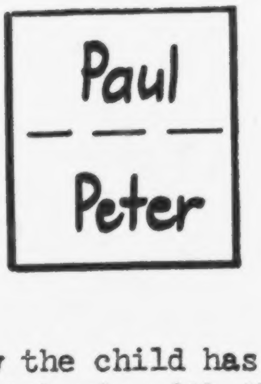
1. On a piece of white oaktag, make two 8" squares.
2. Divide both squares into four equal parts with black magic marker.
3. Cut one of the squares into four parts.
4. Children match cards to stationary name on large lotto board.

This Lotto is a first step in helping children recognize their names and those of other children in their class. Can be done by one child or played as a game with four children.

NAME LOTTO (2)

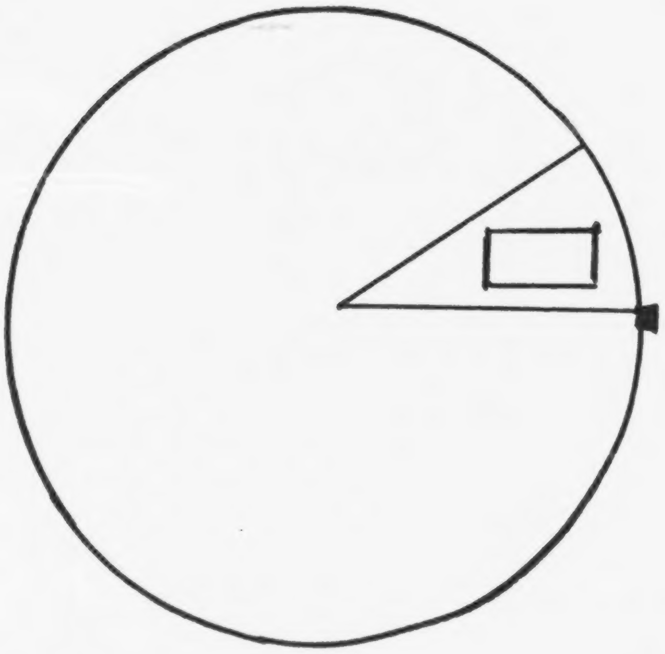






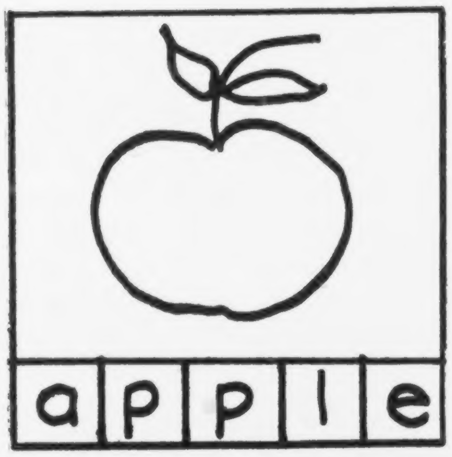
1. This is the second step, after lotto (1), now the child has to really focus to find his or her name among those that begin with the same initial letter or letters.
2. Make two 8"squares, divide into four equal parts (cut one up)
3. Four or five year olds would enjoy this task, a good reading readiness activity.

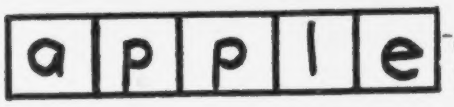
COLOR WHEEL



1. Two circles cut out from oaktag.
2. Pin them together with a paper fastener.
3. Cut out a small portion of one, (picture shows how).
4. Cover both with clear Contact.
5. Cut shapes out in colors, circle, triangle, square and rectangle. Shapes can also be repeated in other colors.
6. The color wheel isolates one shape at a time, so a child has only one shape, one color (which he sees and can recognize).

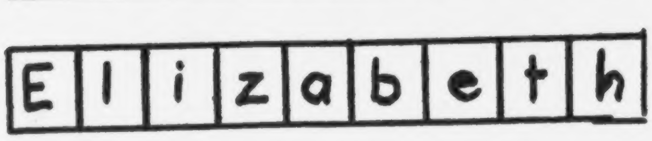
READING READINESS





cut into 5 pieces

Child can have a picture of fruit drawn, or cut out of a magazine with the name printed under it, the extra letters help the child match the jumbled letters to the word that is already spelled out, under the picture. Can be used with four or five year olds.

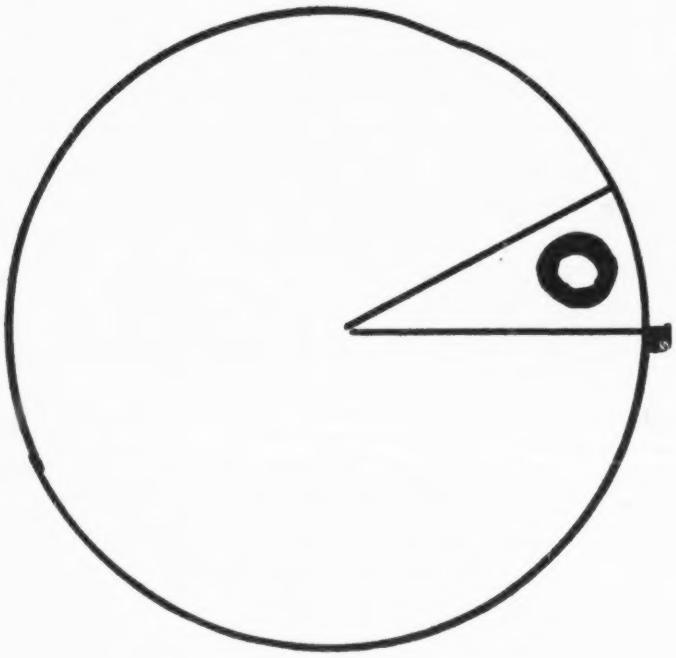


one long card

cut into 9 pieces

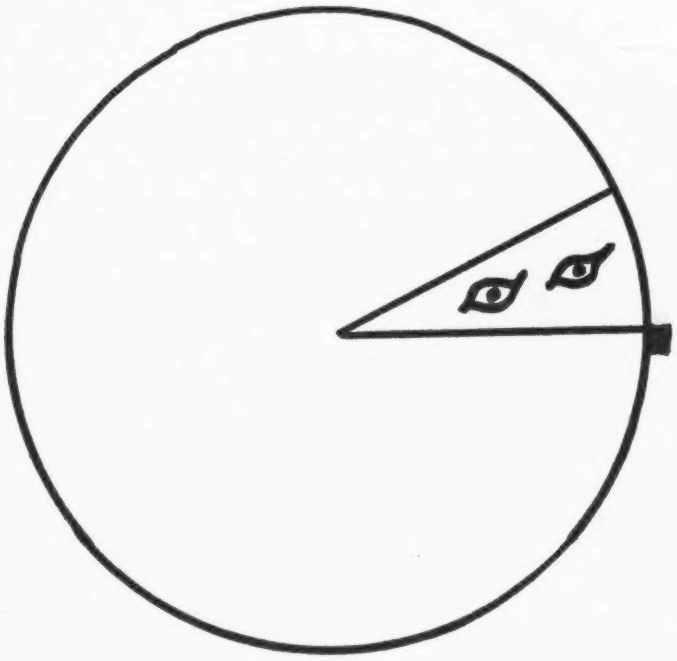
Child first matches each letter on its space on the long card, then he matches underneath the long card. After the first name has been mastered, you can introduce the last name.

ALPHABET WHEEL



1. Cut two circles from oaktag.
2. Put them together with a paper fastener.
3. Cut small portion from top of circle.
4. Cover with clear Contact.
5. Space the letters carefully so that you'll be able to get all twenty-six on the wheel.
6. Two wheels can be made, one for upper case, and one for lower case.

LANGUAGE AND RECOGNITION



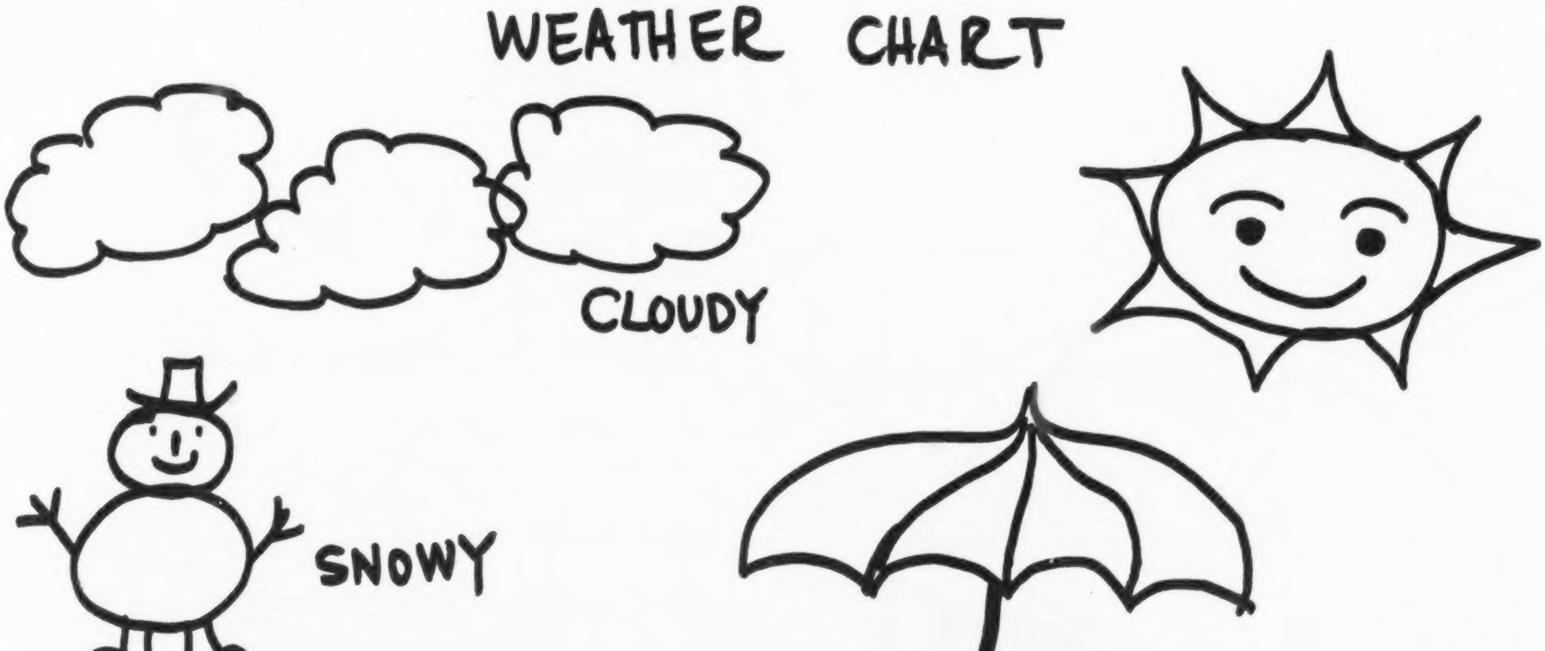
1. Cut two circles from oaktag.
2. Put them together with a paper fastener.
3. Cut out a portion of top circle.
4. Cover with clear Contact.
5. Cut out pictures from magazines that show parts of the body; eyes, legs, nose, mouth, teeth, hair, arms, elbows, eyebrows, feet, hands, knees, legs.
6. This can be a useful tool for two year olds, aids them in recognizing body parts, isolates them so only one idea is exposed at a time.

JOB CHART

Giving out napkins, setting table for lunch, pouring juice, cleaning up, watering plants, feeding animals, giving out cookies, are just a few of the jobs young children can perform in a classroom. One way of making sure that each child has an opportunity to do something for others, is to make a job chart that shows jobs available, on a daily or weekly basis. Next to each job is a tag or two depending upon the job. Children's names are in an envelope under the chart. They can choose a job or seek help from their teachers.

Pictures showing plants, cookies, knife and fork, etc. can be drawn or cut out of magazines and placed next to the tags on a sheet of oaktag (18" x 24").

WEATHER CHART



Depicting a sunny day, rainy day, snowy day, cloudy day or windy day, helps children improve and develop language skills and learn about the weather that affects us all. These or other symbols can be drawn on a sheet of oaktag as an indicator which children can turn to the type of day it is.

YOUR NEIGHBORHOOD IS A COMMUNITY RESOURCE

1. It is important to take a trip around the neighborhood your day care center is located in.

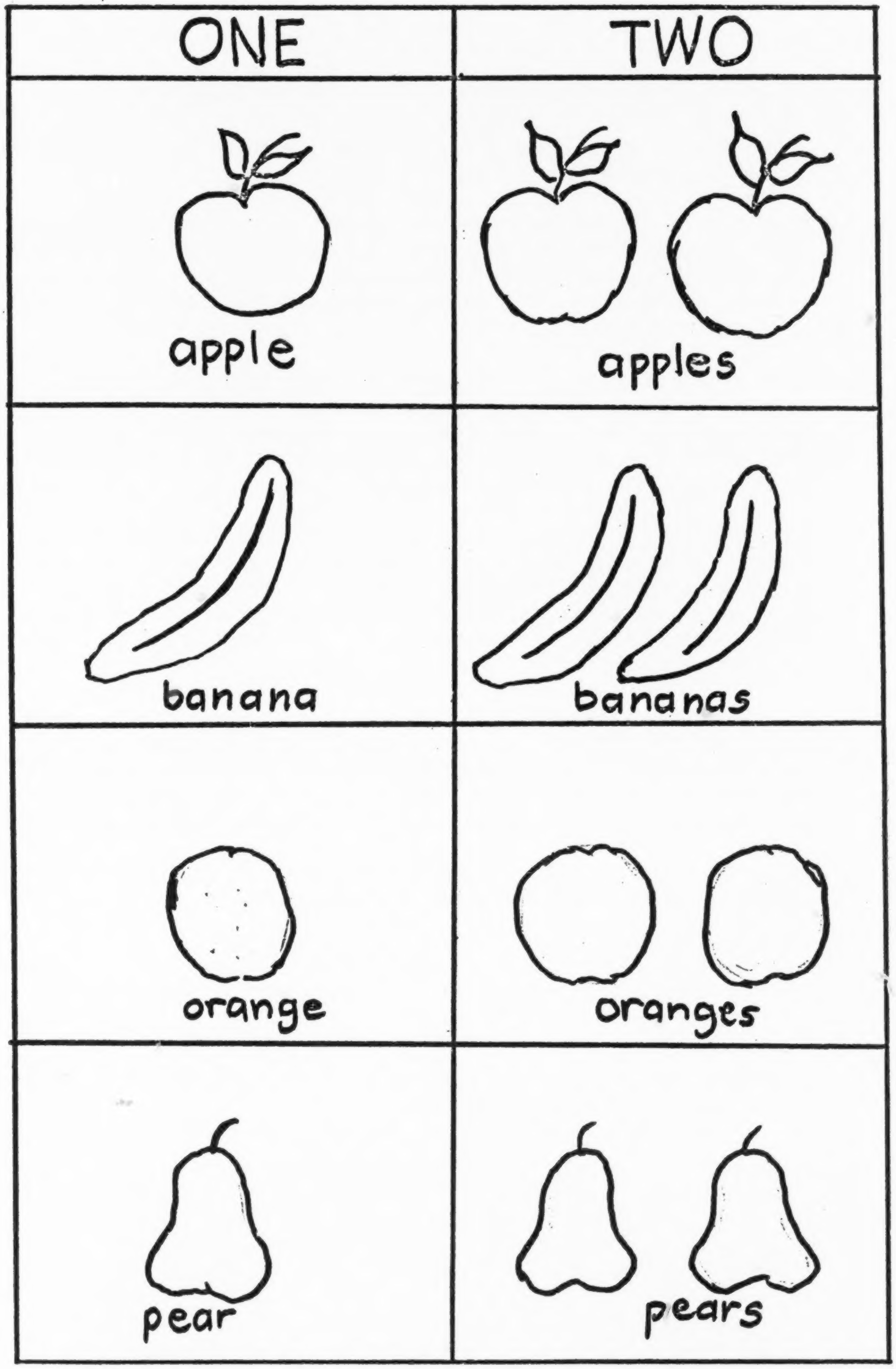
2. Many interesting experiences can grow from a trip to the laundromat, five and ten, library, grocery, cleaner's, lumber yard, hardware store, butcher shop, fish store, barber shop, shoe repair store, shoe store, bakery, the florist, pet store, park, school, other day care centers or clothing stores.

3. Take a camera on a trip to a store. Talk with the children about what type of store it is, what do you do at this store (e.g. a laundromat, Do you need money? What else? What happens.) Take pictures of what goes on in the store, and you can make your own book, using information derived from the children.

4. A Polaroid or a Colorpak camera is simple enough for children to manage. Teachers can put the coating on the film. The group or individual children can dictate what they saw, and what went on. Many children will learn to read and develop an interest in reading through seeing their ideas become the printed word in a book about their neighborhood.

5. An inexpensive tape recorder (cassette recorder) can be used to record sounds of the streets, children playing a game, dogs barking, singing, the firetrucks, busses, cars stopping and starting, people calling to one another, the whistle at twelve o'clock, the blast to let pedestrians know that a dynamite charge on a construction site is going off.

6. Trips to the zoo, airport and a train station to record sounds help children develop and use their listening skills.



Three and two year olds can work on this type of matrix board. The columns have one and two items, the rows have rows of the same fruits. Cards can be made so that the children can match one pear to its match, and the picture with two bananas to its match.

MATH SKILLS

DOMINOES

1. Dominoes can be made from oaktag (preferably white or some light color) cut into 28 pieces ($2\frac{1}{2}$" by 5 ").

2. Buy two packages of signal dots or coding dots from a stationery store, or punch holes in a contrasting color to the oaktag with a paper punch.

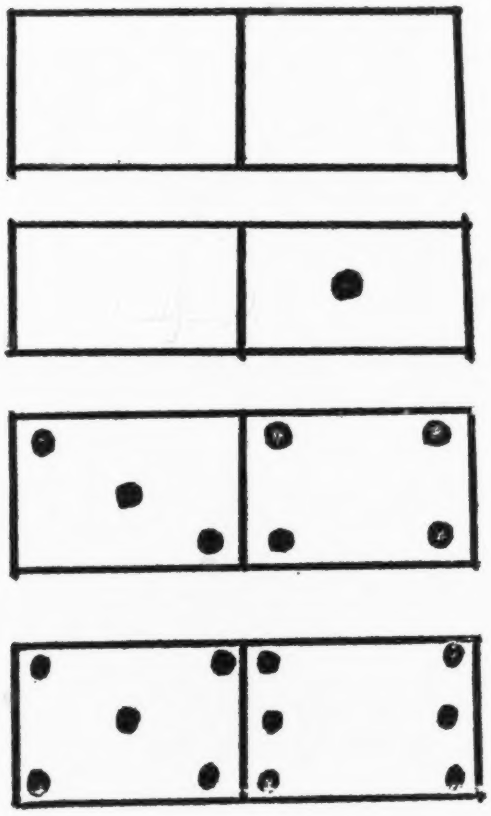
3. Get clear contact, rubber cement and a black magic-marker.

4. After the line has been drawn and the dots put on, carefully cover the finished dominoes with clear contact.

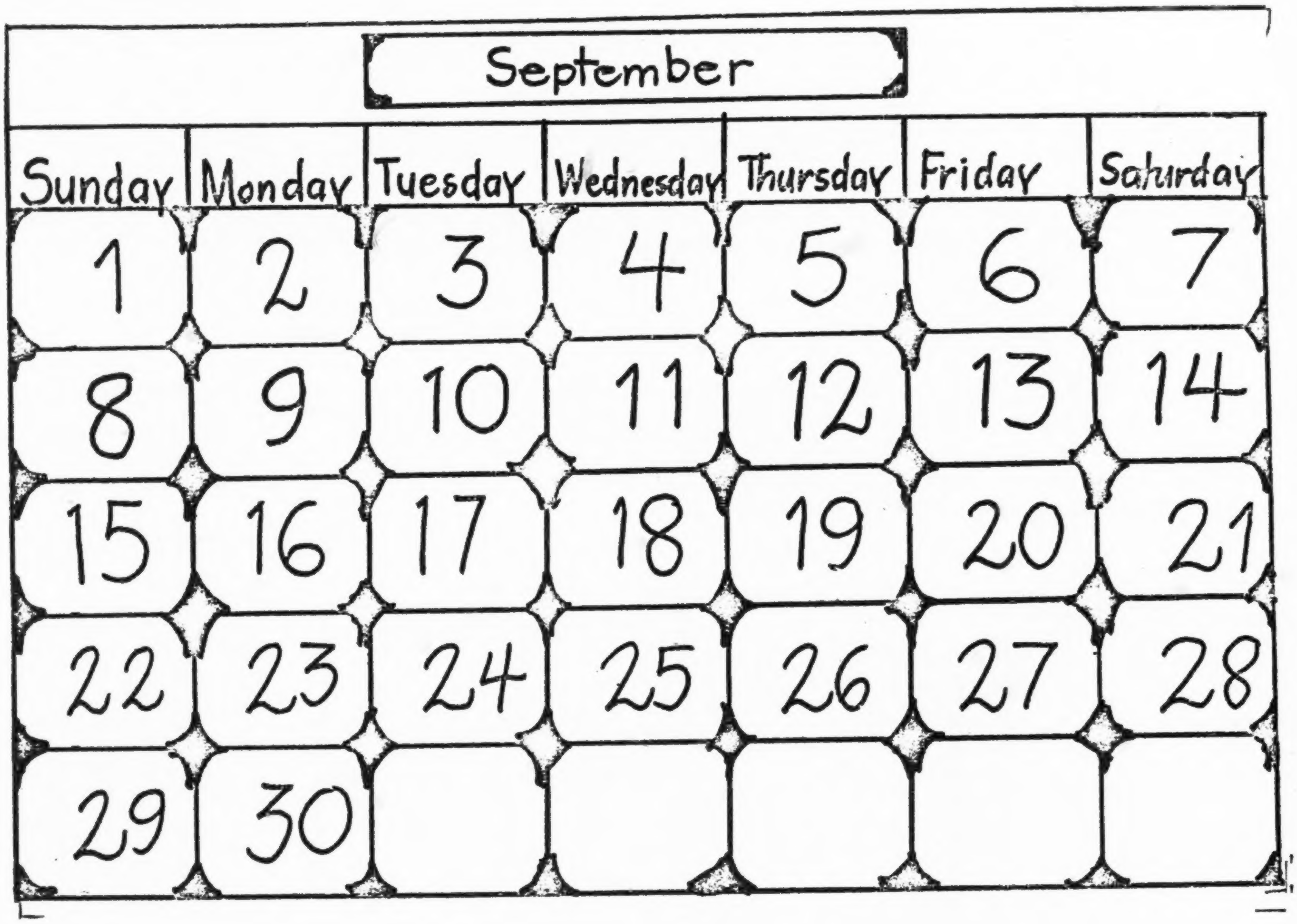
Children can learn matching and patterns of numbers. They can also feel the dots under the contact.

Domino Pattern

0	0
0	1
0	2
0	3
0	4
0	5
0	6
1	1
1	2
1	3
1	4
1	5
1	6
2	2
2	3
2	4
2	5
2	6
3	3
3	4
3	5
3	6
4	4
4	5
4	6
5	5
5	6
6	6

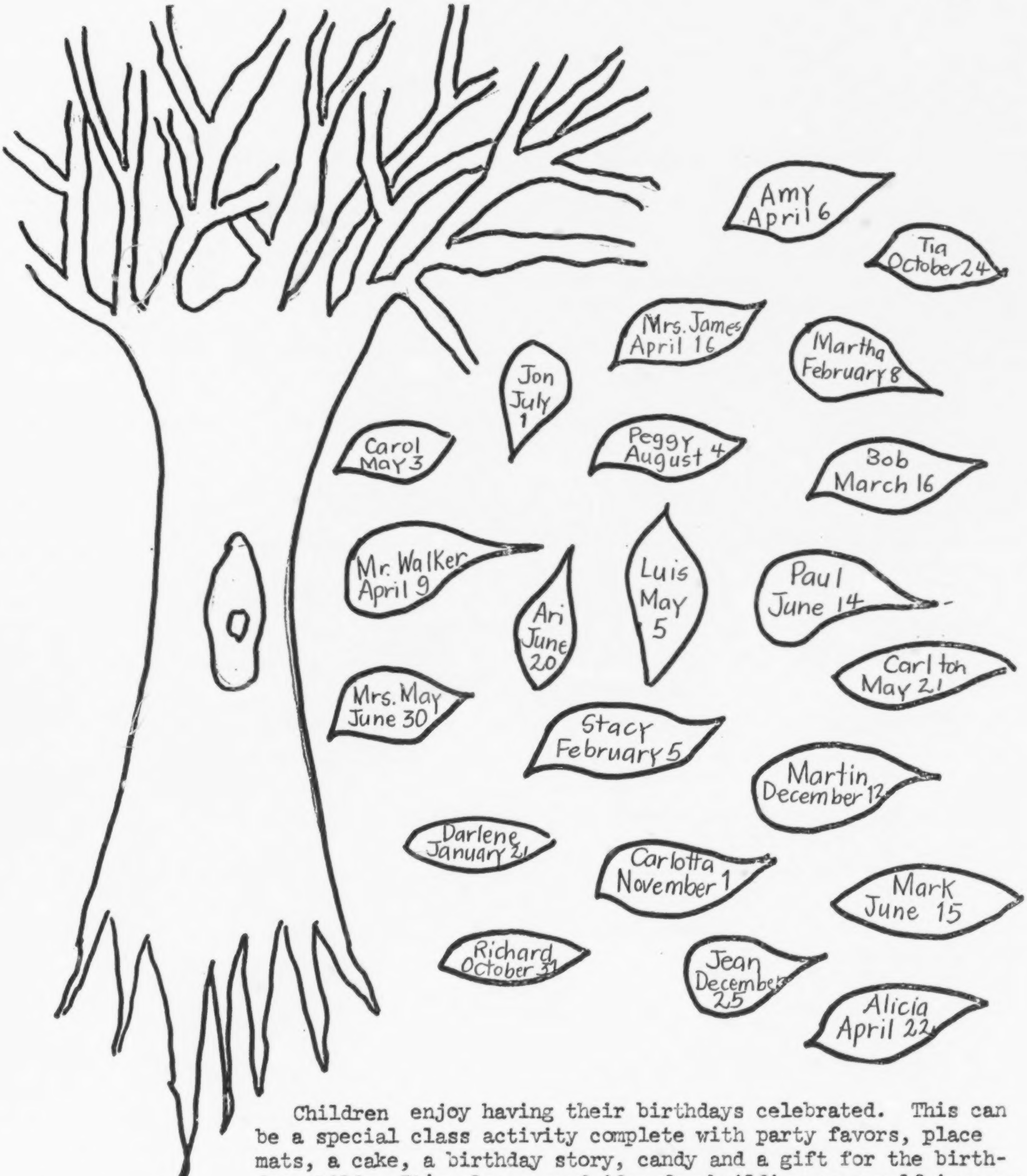


CALENDAR



			September			
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

A large sheet of oaktag, divided into seven equal parts, five columns, photo corners to hold the numbers, thirty-one cards, numbered 1 to 31 to be placed according to the months, twelve cards cut out for each month. Four and five year olds can use this calendar comfortably. They learn to account for those two days when there is no school, and get an idea of sequence through Sunday, Monday; 1, followed by 2,3; and January then February; it's there and they can place the months and numbers in the appropriate slots.



BIRTHDAY
TREE

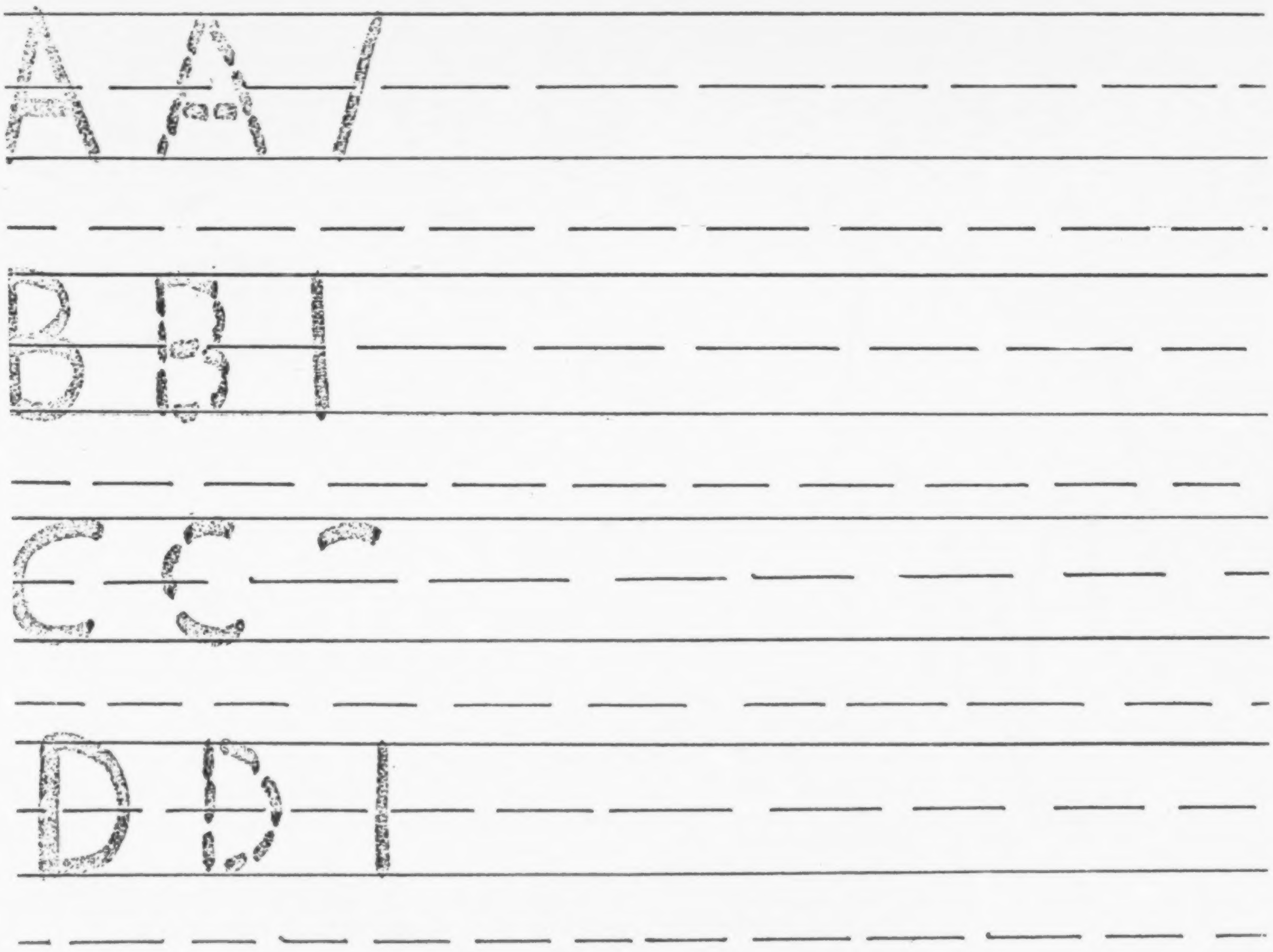
Children enjoy having their birthdays celebrated. This can be a special class activity complete with party favors, place mats, a cake, a birthday story, candy and a gift for the birthday child. It's also a good idea for building up a self-imagery in young children, it makes them feel special, and they are.

Children can chart howmany, including the teachers, are born in the same month. Depending upon your artistic inclination, you can make a birthday cake, or a birthday clown with balloons instead of candles. Children enjoy this, and if put on eye level, adds as another reading tool.

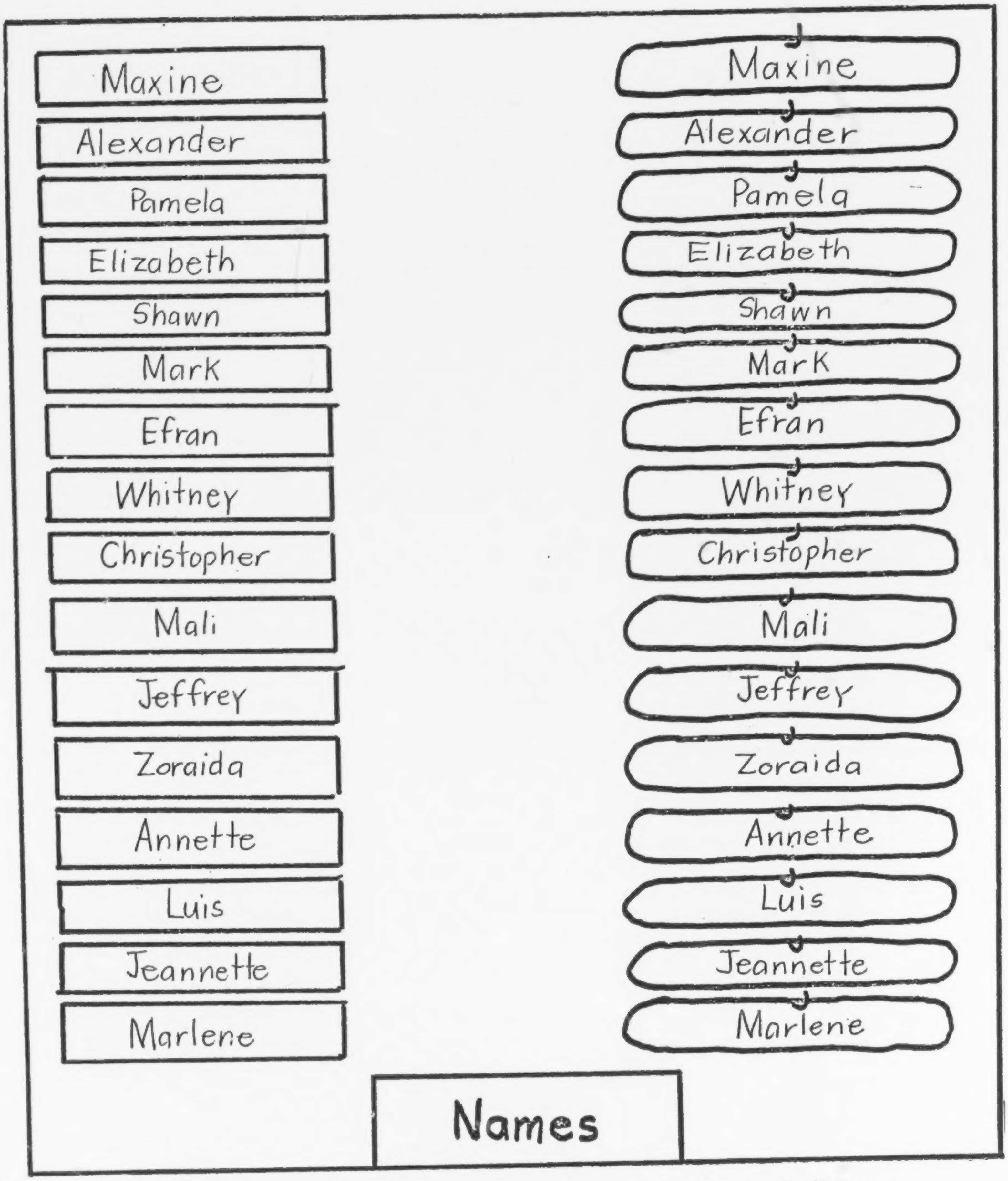
READING READINESS

1. You need twenty-six oaktag strips, 9" long, 3" wide, black magic marker.
2. You need four lines on each strip, the magic marker is also for lettering, cover with clear Contact.
3. The child can use clear Contact to write on with a dark crayon, the crayon rubs off with water.
4. Child has the completed model, the dotted model, a slash and then ample space to make the letter on his own.

If a child makes a mistake it can easily be erased. This is an activity that needs little or no teacher-direction.

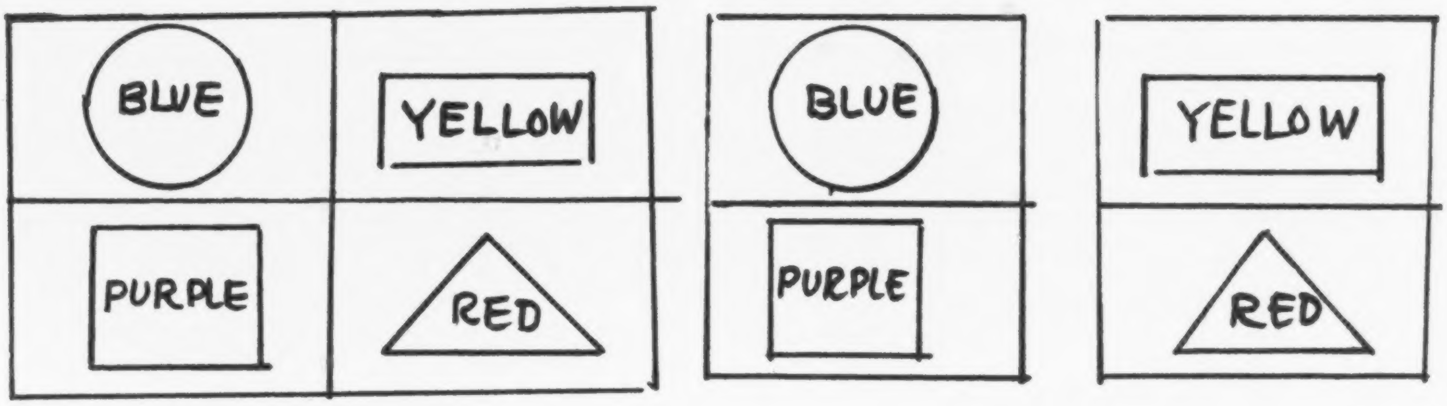


This model, A through D, follows the same pattern to Z.



This attendance chart can be made from one sheet of oaktag (22" x 28"). It can be placed at the child's eye level. Children have stationery names printed in one color on the left-hand side. There are hooks on the right-hand side next to each child's name. The envelope at the bottom contains each child's name on an oblong card. When the children come in in the morning they reach in the envelope and match the oblong card with their name on it to its mate. A variation for three and two year olds might be symbols.

SHAPE LOTTO OR PUZZLE

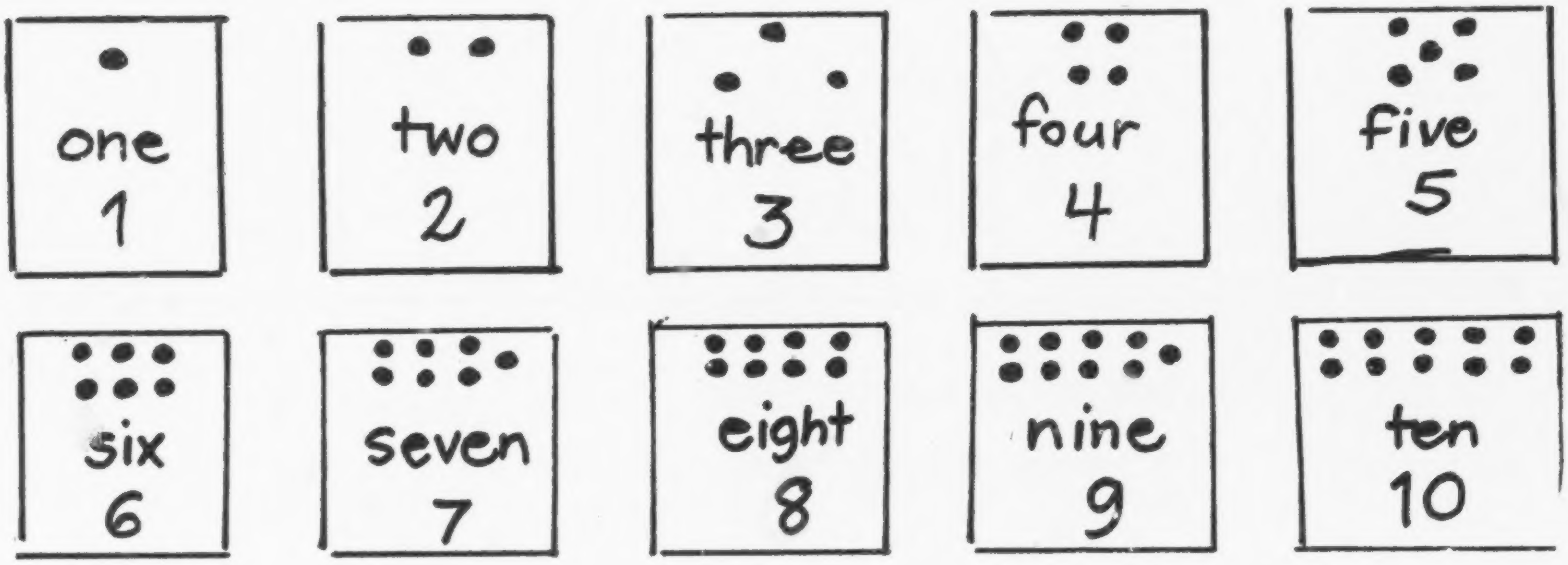


1. For lotto make two 8" squares from oaktag, divide into four equal parts, and cut one 8" square into four equal parts. Put shapes □, ○, △ and ▭ in four distinct colors on each of the four sections.

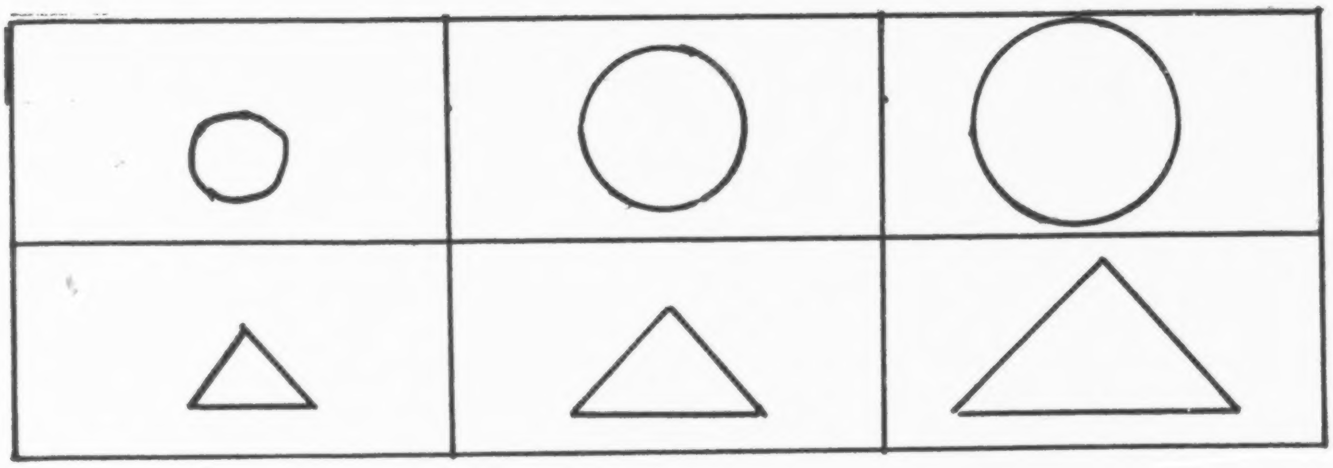
2. For puzzle use 8" squares (two) of heavy cardboard, divide equally draw □, △, ○ and ▭ on the four sections of the cardboard, cut out with an Exacto Knife. Child places shape in its proper place.

3. This is one of the beginning steps in reading readiness with three and four year olds.

MATH SKILLS

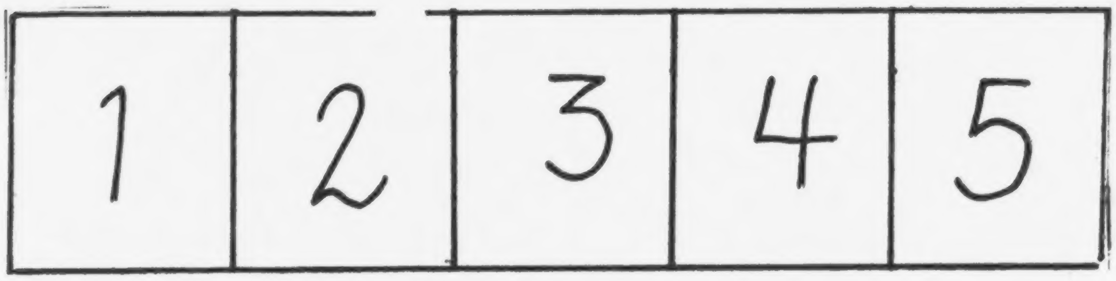


1. Using 3" x 5" index cards (10 cards)
2. Clear Contact, magic marker, signal dots
3. Make the number cards from 1 to 10
4. Children four and five can associate number, word, and symbol.



Small, medium and large can be taught to children in a number of ways. Depending on the age, three year olds can use this, and for four year olds you might use three shapes and four for five year olds. Cards can be made to accompany this, and will aid you in discovering if a child can make the differentiation between small, not so small, and bigger than.

MATH SKILLS

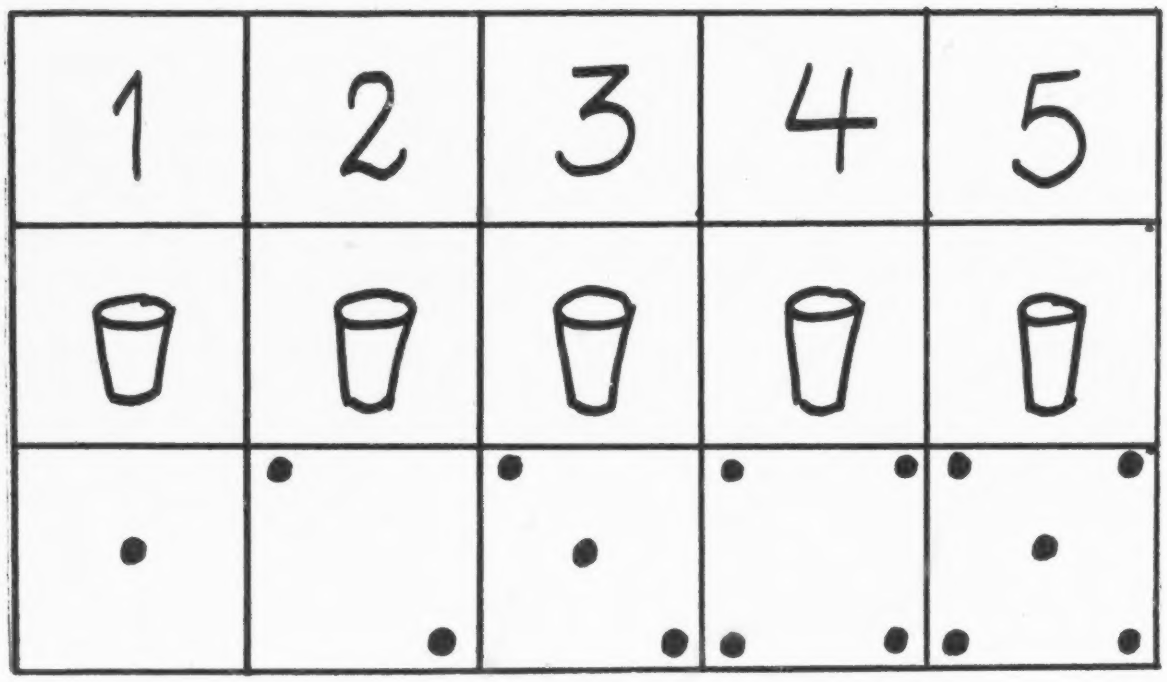


1. Make at least 20, 4" cards
2. Get magazines, cut out pictures that are colorful and show from 1 to 5: e.g. 1 dog, 1 cag, 2 cars, 2 ladies, 3 shoes, 3 hats, 4 ducks, 4 gloves, 5 horses)
3. Paste each picture on a 4" card.
4. Make a number board from oaktag, as illustrated.
5. The oaktag serves as a sorting board for the pictures.

or . . .

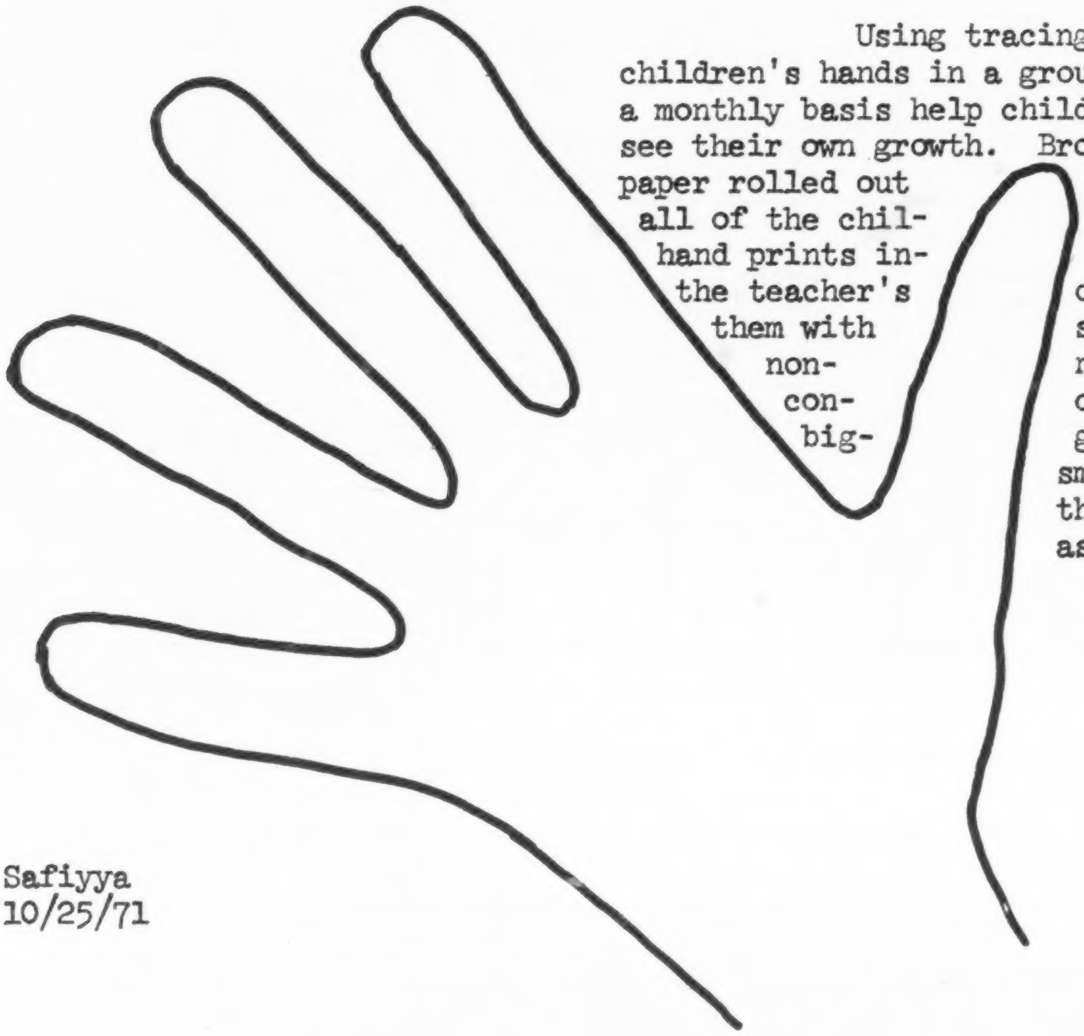
1. Get 5 stocking boxes and staple them together, the index cards can easily be placed in the appropriate boxes.

MATH SKILLS



1. Piece of cardboard (heavy) 10" long, 6" wide
2. Divide cardboard into five equal parts (length)
3. Divide cardboard into three equal parts (width)
4. Five plastic cups, use paper fasteners to secure cups
5. Makes a good sorting device, for four and five year olds, correct number of objects goes into each of the five cups

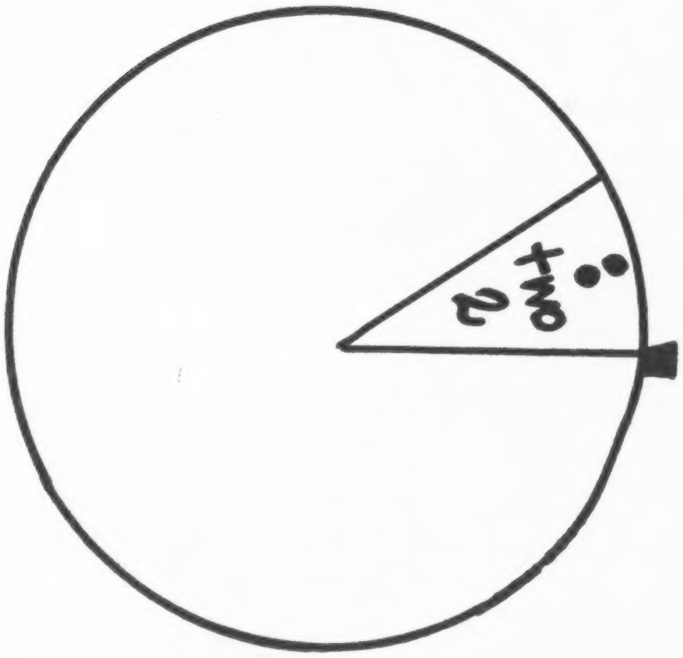
MATH IDEAS



Using tracings of children's hands in a group on a monthly basis help children see their own growth. Brown paper rolled out and all of the children's hand prints including the teacher's can help them with such non-numerical concepts as bigger than, smaller than, same as, etc.

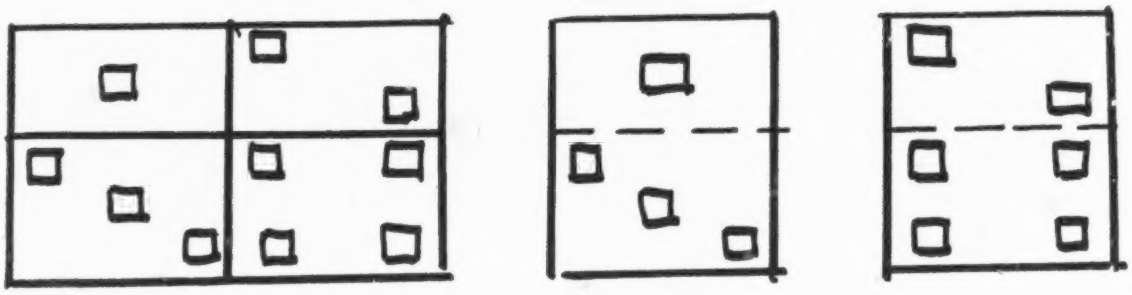
Safiyya
10/25/71

NUMBER WHEEL



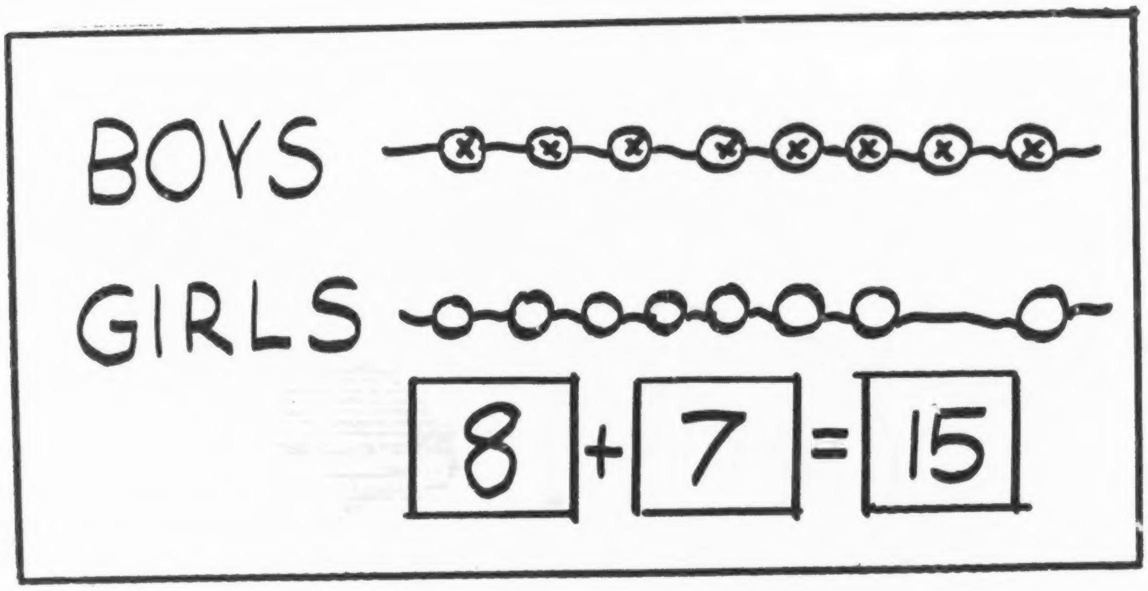
1. Cut out two circles from oaktag
2. Put them together with a paper fastener.
3. Cut out a small portion of top circle as illustrated
4. Cover both circles with clear CONTACT.
5. Tab can be added to make wheel spin better.
6. Child sees one whole picture at a time.

NUMBER LOTTO



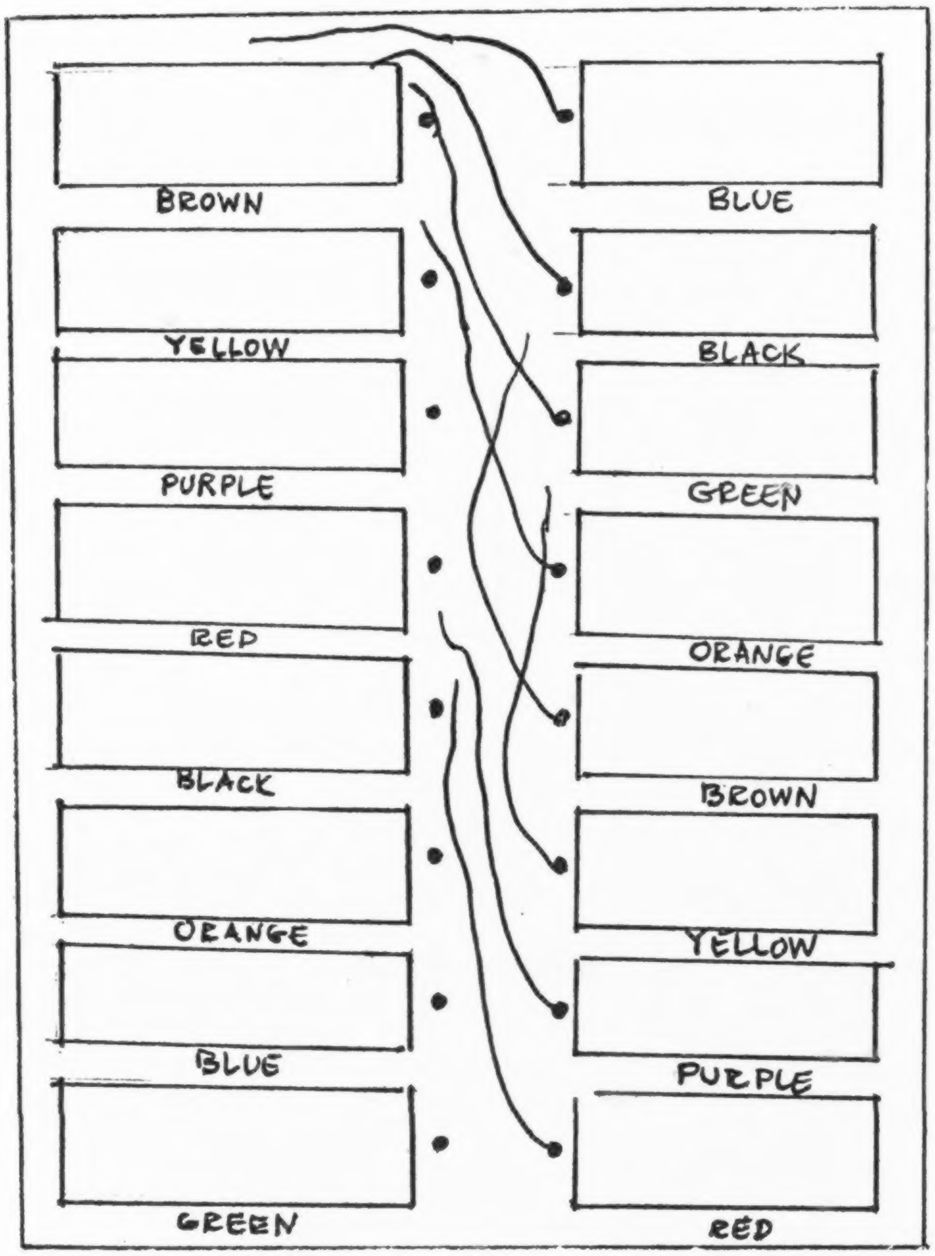
1. Make two 8" squares from oaktag, divide both into four equal parts.
2. Decide on the shape you are going to use, be consistent.
3. Cut second square into four equal parts.
4. Children learn to match shape to shape, shapes to shapes.

ATTENDANCE



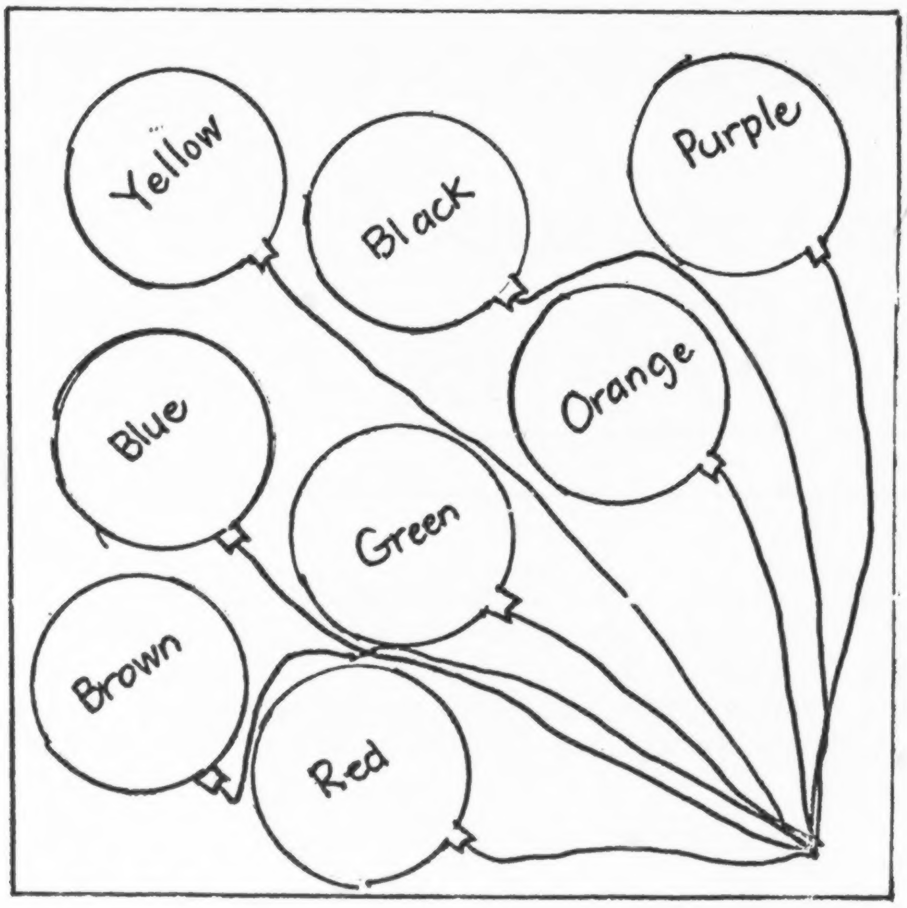
Boys and girls can use beads on heavy cards to count out how many boys or girls are present. The number cards are movable and can be changed and kept in an envelope on back or under the card. This is a wonderful tool for helping four or five year olds with math concepts. There is the exact number of boys and girls, one for each bead and the numerals to check.

350.



For Color Recognition

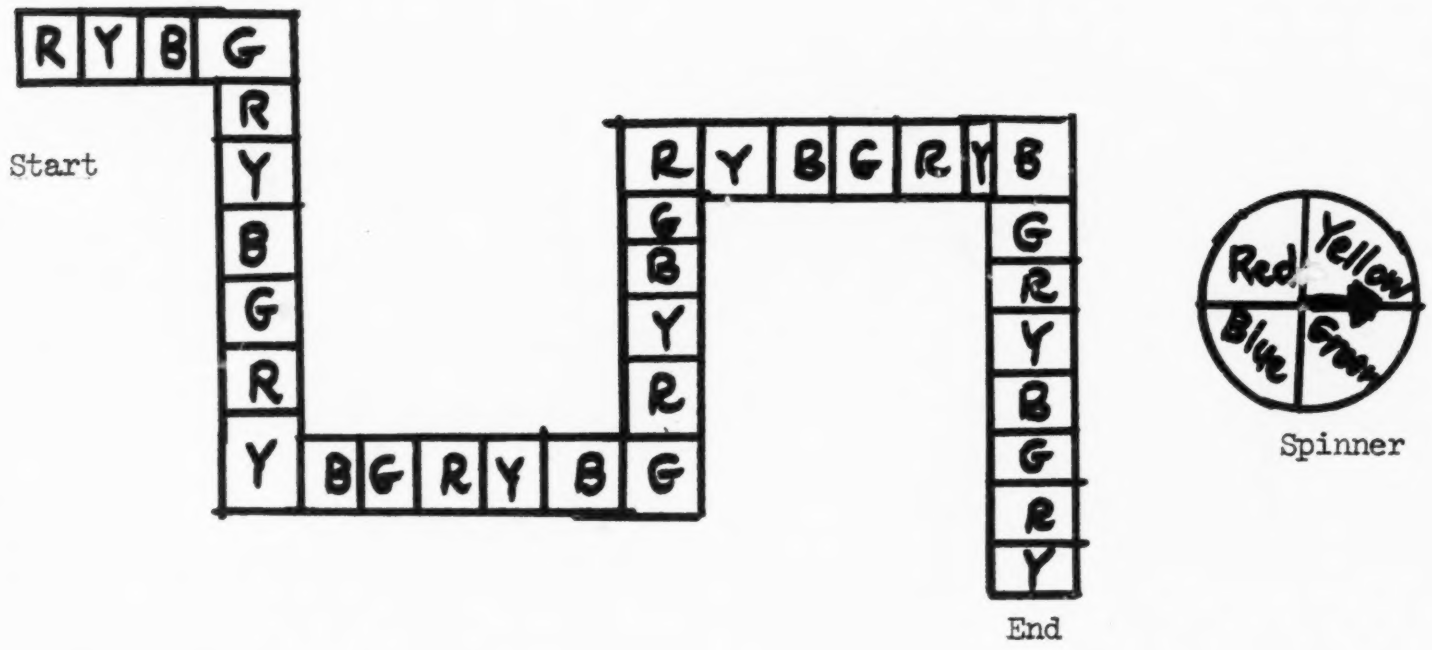
On a large sheet of cardboard, mark off 2 sets of 8 rectangles. Paint them, paper or color them Put holes on the left side and shoe strings on the right as illustrated. Two's and up can match the colors to their mates on the opposite side.



The use of the balloons in 8 colors can be a matching game, in which 2 sets of each color are made. One set looks like the illustration, the other set is same size covered with clear contact.

Another way of using the balloon idea is to make two 9" squares and cut them from cardboard. Space the balloons evenly on one sheet, then cut them out with an Exacto Knife (put the color on the cutout space and the cardboard circle so it will fit properly. After pasting boards, the 8 balloons have been cut out, color the balloons and the space. Children 2 and up can match the balloon to its colored space.

COLOR GAME



Using a large sheet of cardboard, spaces can be made using red, yellow, blue, and green. A spinner is made to accompany game. Using discs 2, 5, or 4 children can choose who will be first. Child spins, disc is moved to the color he gets, the first child to get to the end wins the color game.

HAND PUPPETS

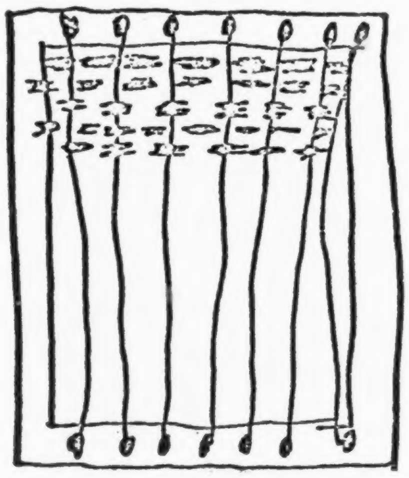
Need: Felt or other heavy solid fabric, buttons, yards of yarn.

Yarn can be used for hair, sewn sewn down in the middle, button eyes, felt nose, button mouth, yarn eyebrows and felt body make a simple puppet figure.

Shy children may talk to you or other children through their puppets.

LOOM

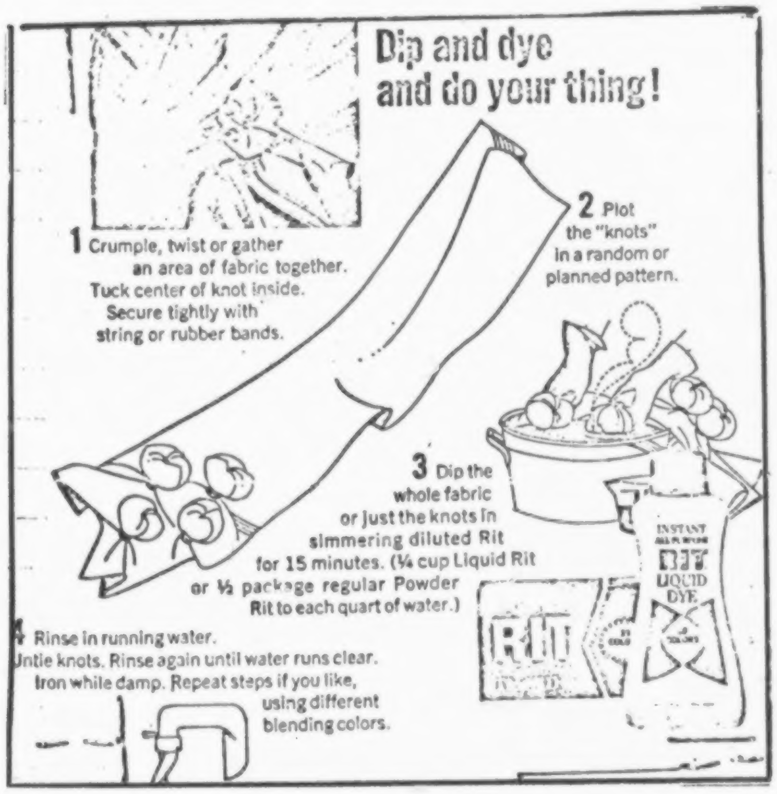
Need: Orange crate, roofing nails, string, yarn, bits of cloth.



Orange crate serves as a frame; six to eight nails evenly spaced top and bottom; string is tied around the nails. Using the cloth cut into long strips or yarn tied together weave in and out until you run out of space. Press tightly. When finished take string along with yarn and fabric strips off. Frame , sew or tie ends to keep from unravelling.

TIE DYEING

Need: Fabric or undershirts, rubberbands, RIT Liquid Dye



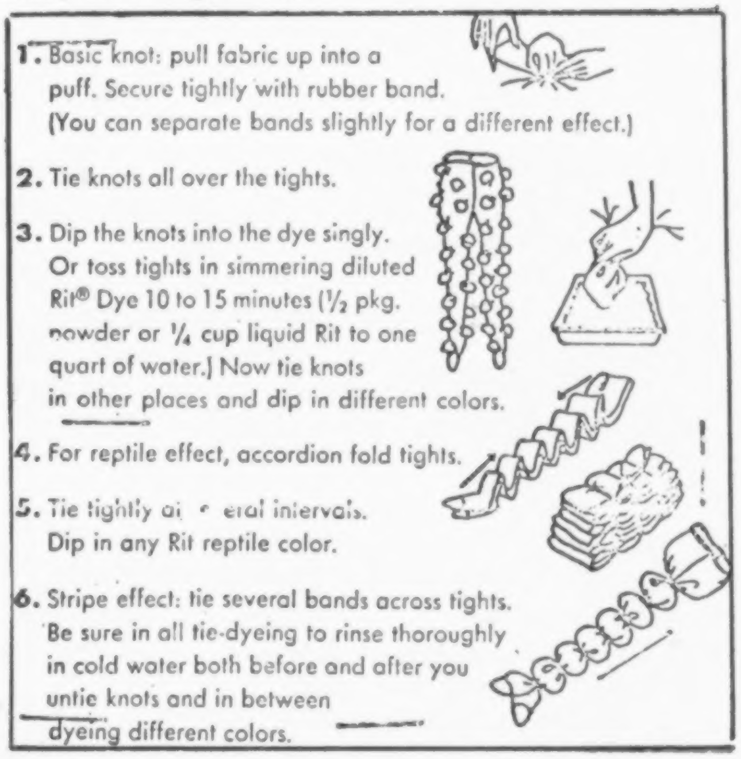
Dip and dye and do your thing!

1 Crumple, twist or gather an area of fabric together. Tuck center of knot inside. Secure tightly with string or rubber bands.

2 Plot the "knots" in a random or planned pattern.

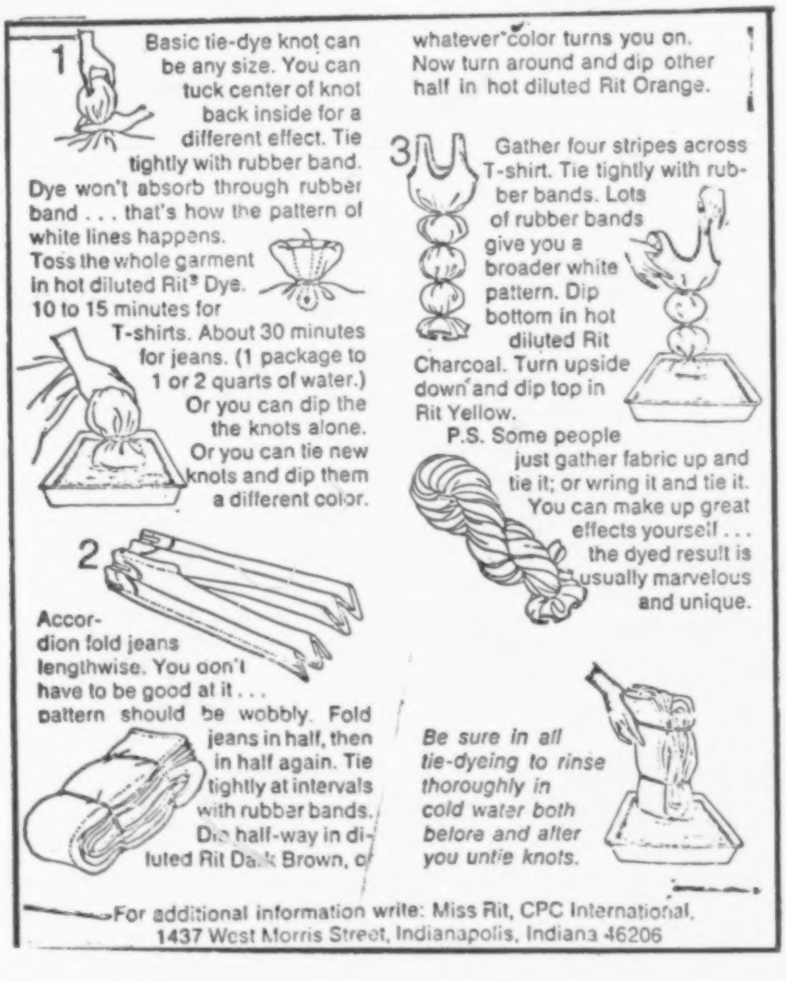
3 Dip the whole fabric or just the knots in simmering diluted Rit for 15 minutes. (¼ cup Liquid Rit or ½ package regular Powder Rit to each quart of water.)

4 Rinse in running water. Untie knots. Rinse again until water runs clear. Iron while damp. Repeat steps if you like, using different blending colors.



1. Basic knot: pull fabric up into a puff. Secure tightly with rubber band. (You can separate bands slightly for a different effect.)
2. Tie knots all over the tights.
3. Dip the knots into the dye singly. Or toss tights in simmering diluted Rit® Dye 10 to 15 minutes (½ pkg. powder or ¼ cup liquid Rit to one quart of water.) Now tie knots in other places and dip in different colors.
4. For reptile effect, accordion fold tights.
5. Tie tightly at several intervals. Dip in any Rit reptile color.
6. Stripe effect: tie several bands across tights. Be sure in all tie-dyeing to rinse thoroughly in cold water both before and after you untie knots and in between dyeing different colors.

These ideas do not only apply to tights; they can be used for other things.



1 Basic tie-dye knot can be any size. You can tuck center of knot back inside for a different effect. Tie tightly with rubber band. Dye won't absorb through rubber band . . . that's how the pattern of white lines happens. Toss the whole garment in hot diluted Rit® Dye. 10 to 15 minutes for T-shirts. About 30 minutes for jeans. (1 package to 1 or 2 quarts of water.) Or you can dip the the knots alone. Or you can tie new knots and dip them a different color.

2 Accordion fold jeans lengthwise. You don't have to be good at it . . . pattern should be wobbly. Fold jeans in half, then in half again. Tie tightly at intervals with rubber bands. Dip half-way in diluted Rit Dark Brown, or whatever color turns you on. Now turn around and dip other half in hot diluted Rit Orange.

3 Gather four stripes across T-shirt. Tie tightly with rubber bands. Lots of rubber bands give you a broader white pattern. Dip bottom in hot diluted Rit Charcoal. Turn upside down and dip top in Rit Yellow.

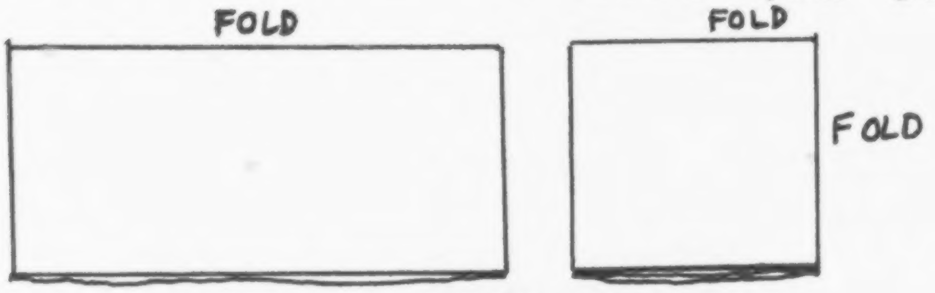
P.S. Some people just gather fabric up and tie it; or wring it and tie it. You can make up great effects yourself . . . the dyed result is usually marvelous and unique.

Be sure in all tie-dyeing to rinse thoroughly in cold water both before and after you untie knots.

For additional information write: Miss Rit, CPC International, 1437 West Morris Street, Indianapolis, Indiana 46206

A group of four or five year olds can tie-dye handkerchief, undershirts, pieces of material. No two pieces come out the same, all you have to do is tie those rubber bands tight.

DASHIKIS
(DRESSES AND SHIRTS)



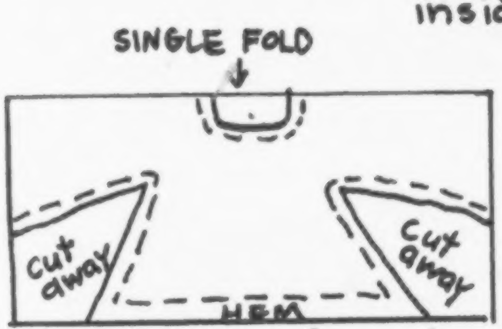
FOR DRESS

45" wide fabric
dress: 2½ yds
shirt: 1½ yds

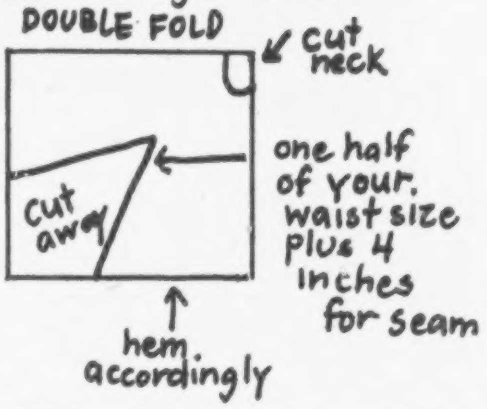
54" wide fabric
dress: 2 yds
shirt: 1 yds

Keep material folded

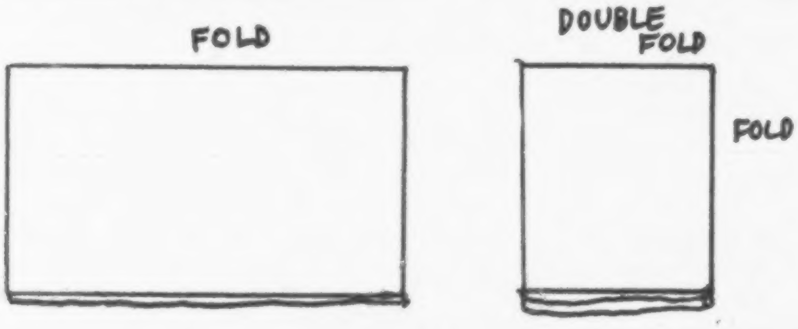
Find wrong side of fabric, sew on wrong side, when finished turn inside out to right side



use scraps for neck facing, sew on a machine or by hand

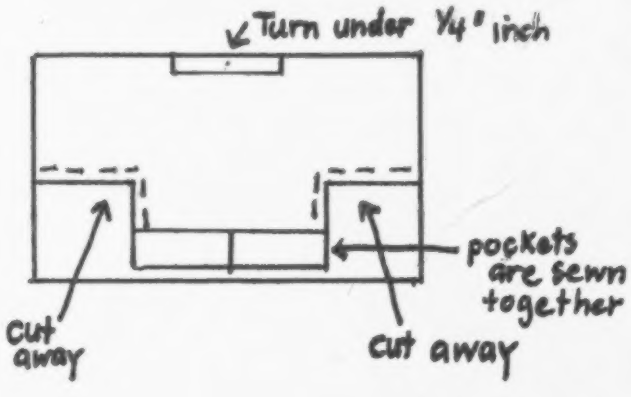


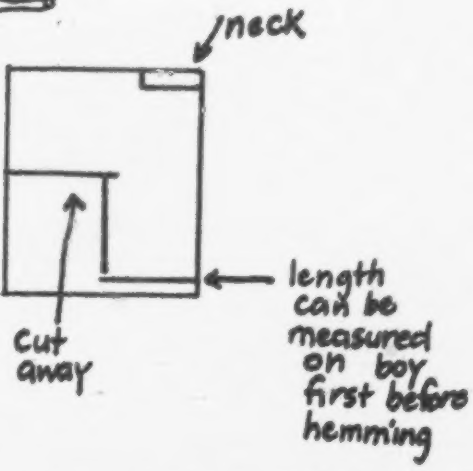
one half of your waist size plus 4 inches for seam



Keep material folded

Find wrong side, sew on it, sew pockets on right side





length can be measured on boy first before hemming

The cut away pieces can be sewn end to end to make the pockets.

Smocks can be made from plastic using the double fold and tie the smock rather than sewing it up on the sides.

RECIPES FOR CLASSROOM USE

Play Dough

Children aged two and up will enjoy making play dough. All you need is a bowl, salt, food coloring, vegetable oil (½ cup), and a little detergent to keep the dough from becoming moist. Add 2 cup of flour, one cup of salt, water and food coloring, vegetable oil until the dough is rubbery. Keep in a plastic container.

Finger Paint

Mix liquid starch, food coloring and soap flakes with an egg beater until you have the desired texture. Children two years and up, enjoy making the fingerpaint, exploring and experimenting ways of using their hands, fingers, palms and getting interesting results. They can finger paint on the table and then transfer their finished product to paper.

Papier Mache

Need: newspapers shredded into strips, a large bucket, water to cover the newspaper, flour or wheat paste.

Mix paste into newspapers that have been soaked in water overnight, and the water drained out.

Puppet faces, using a balloon mold, or other shapes can be made easily and after the papier mache dries, can be sanded, painted, and shallac put on the finished product. An interesting project for six to nine year olds in after school programs.

GAMES

Children do get tired of turning Double Dutch, playing catch or playing dodgeball. When they don't want to swing, slide or see-saw any more, the games in this section can be played with a large group outside. These are only a few. If you think back hard enough, you'll probably remember some from your childhood. Use them. Also, the games come in handy on rainy days. The games can be played indoors or outdoors.

LITTLE SALLY WATER

This is a circle game with one child chosen to be little Sally Water who sits in the center of the circle until told to rise. Twos and up can enjoy it.

Little Sally Water, sitting in a saucer
Rise Sally, Rise, wipe your weepy eyes
Turn to the East my darling
Turn to the West, my darling
Turn to the very one that you love the best
Put your hands on your hip
And let your backbone slip
Shake it to the east, my darling
Shake it to the west, my darling
Shake it to the very one that you love the best

(new Sally is chosen)

HOKEY POKEY

This is a game that two year olds and up enjoy. It's a circle game that gives them an opportunity toturn around dance and shake, somewhat similar to Looby Lu but you don't hold hands.

You put your one hand in, you put your one hand out
You put your one hand in and you shake it all about
You do the hokey pokey and you turn yourself around
That's what it's all about. (clap, clap)
You put your other hand in, you put your other hand out
You put your other hand in and you shake it all about
You do the hokey pokey and you turn yourself around
That's what it's all about (clap, clap)

Can use: Your elbows
your head
your one foot, your other foot
your one hip, your other hip
your whole self in

GAMES

LITTLE JOHNNY BROWN

This is a circle game that can be played by children three to five years of age. You need a piece of cloth for Johnny's comfort. The names of the children in your group can be substituted for Johnny, (e.g. Little Margie Brown). The child chosen to be Johnny Brown stands in the center of the circle, he has to listen and perform the actions the group sings.

Little Johnny Brown, lay your comfort down
Little Johnny Brown, lay your comfort down
Fold one corner, Johnny Brown
Fold the other corner, Johnny Brown
Fold the other corner, Johnny Brown
Fold the other corner, Johnny Brown
(depending upon how long it takes the other
corner can be sung until all four corners are folded.)
Take it to your lover, Johnny Brown
Take it to your lover, Johnny Brown
Lope like a buzzard, Johnny Brown
(flap your arms like a bird--the rest of the group joins
Johnny in loping like a buzzard)
Tell her that you love her, Johnny Brown
Tell her that you love her, Johnny Brown

The child who receives the comfort is the new Johnny Brown and the song begins again.

DUCK GOOSE

A circle game that threes and up can play. One child is chosen to be it (the Duck). He goes around the outside of the circle tapping each child on the shoulder saying--"Duck, duck, duck, duck, duck ", until he finally picks a child to be it. He says "GOOSE". The child chosen to be the goose has to run around the outside of the circle to catch the first child before he reaches his spot. If he does not catch child #1, he has to be it until he picks someone and lands in their spot.

Steal the Bacon

This game has two teams:

Team A:		Team B:
1		1
2		2
3		3
4		4
5		5
6		6
7		7
8	Bacon	8
9		9
10		10

The bacon (e.g.an eraser) is placed equidistant between the two teams. The person who is caller, calls a number (e.g. #4) Both fours run to the bacon, if one grabs it and gets back to his side without the other #4 tagging him, he gets a point for his team. If the two #4's take too long, the leader can call in other numbers to assist. The team with the most points wins.

After school kids and five year olds enjoy this.

Tokodi Kodi

This game needs at least eight children but any number above that can play.

Arthur

Mary

Peter

Kelita

This is a clapping game, keep in time, the beat is 1-2-3-4, 1-2-3-4.

Clap, clap tokodi kodi
Clap, clap tokodi kodi

Child says the names of the children on either side of him. Mary, would say, "Arthur and Peter, tokodi kodi,
Arthur and Peter, tokodi kodi,
Arthur and Peter, tokodi kodi,
Arthur and Peter, tokodi kodi."

Going around the circle, it would be Peter's turn, he'd say: "Mary and Kelita, tokodi kodi," four times. The rest of the group joins in on "tokodi kodi..."

Just remember to keep alert, keep on clapping, group joins in only on tokodi kodi.

GAMES

MY MOMMA TOLD ME TO TELL YOU

This is a circle game that can be played by two year olds and up. You do what the chant tells you.

My Momma told me to tell you
To beat one hammer like you see me do
To beat one hammer like you see me do
(beat one hand balled up like a fist)
My Momma told me to tell you
To beat two hammers like you see me do
To beat two hammers like you see me do
(beat two hands together balled up like fists)
My Momma told me to tell you
To beat three hammers like you see me do
To beat three hammers like you see me do
(stamp one foot, beat both hands)
My Momma told me to tell you
To beat four hammers like you see me do
To beat four hammers like you see me do
(jump up and down, beat both hands)
My Momma told me to tell you
To beat five hammers like you see me do
To beat five hammers like you see me do
(jump up and down, shake your head, beat both hands)

GIANT STEP

Interesting way to test a child's listening skills, and to some degree, their coordination. One child or teacher is the leader and stands a good distance from the rest of the group. Object of tis game is to get up to leader. Also, helps in developing good manners, and ability to count. (Can use bunny hops, tightrope steps, skips, etc.)

Leader: "Sally"

Sally: "Yes"

Leader: "You may take one giant step."

Sally : "May I?"

Leader: "Yes, you may."

Leader: "Jimmy"

Jimmy: "Yes"

Leader: "You may take one baby step."

Jimmy : "May I?"
Leader: "Yes, you may."

I Give You A Cat

This is a Circle Game. There are two things going in the opposite directions: a cat, and a dog. The cat is passed one way, the dog the other way.

Start off: "I give you a cat."
2nd person: "A what?"
1st person: "A cat?"
2nd person: "I give you a cat."
3rd person: "A what?"
2nd person: "A what?"
1st person: "A cat."
3rd person: "I give you a cat."
4th person: "A what?"
3rd person: "A what?"
2nd person: "A what?"
1st person: "A cat."

Fun begins when the two animals cross. For after school groups.

Crossed and uncrossed

... can be played by eight and nine year olds. You need a number of people, and a pair of scissors, which can be crossed or uncrossed, e.g. "I give you a pair of scissors crossed." The person receiving scissors: "And I take them uncrossed."

While you are saying this you are crossing and uncrossing your legs depending upon which phrase you pick

You can also say "And I take them crossed" even if they are uncrossed, as long as you remember to do the proper motion.

Killer

Object of the game: No one is supposed to know who Killer is, through observation finally find out.

Need cards: All black except for one red card. Group of children sit around in a circle; one person deals the cards, the killer gets the red card. You "kill" someone by winking at them. (They just stay in circle once they're "killed"). Killer winks when he thinks noone is looking. If anyone sees you he can say "You're the killer."

Play the game by changing your gaze from one person to another. You have to look in a person's face. This game is for ages six and up.

LION HUNT

Children can sit around on chairs in a circle, an adult can be the leader in the beginning, kids pick this game up quite quickly. The rules of the game are: you say and do everything the leader does.

Leader:	We're going on a lion hunt	(refrain)	
"	We walk down the steps	"	(pretends to walk down steps)
"	We walk across the street	"	(pretends to walk across street)
"	We run up the hill	"	(pretends to run up hill
"	We look, and look--no lions in sight	"	(hand over forehead)
"	So, we march down the hill	"	(pretends to march)
"	Climb in a boat and row	"	(pretends to row)
"	Get out the boat, walk through tall grass	"	(pretends to walk thru grass)
"	Swim across the river	"	(make swimming motions)
"	Climb up the tree	"	(pretend to climb up tree)
"	And look, and look	"	(hand over forehead)
"	A lion, I see a lion!	"	
"	So we have to be very quiet until the lion goes away	(refrain)	(puts hand over mouth)
"	The lion starts to shake tree	(refrain)	(making shaking motion)
"	But we hold on very tightly.	"	(hold on tight)
"	Finally the lion goes away	"	
"	So we hurry down the tree	"	(make down motions)
"	Swim across the river	"	(make swimming motions)
"	Run through the tall grass	"	(make running motions)
"	Climb in boat and row fast	"	(make rowing motion)
"	March quickly down the hill	"	(make marching motions)
"	Run quickly across the street	"	(make running motions)
"	Walk quickly up the steps	"	(make walking motions)
"	I open the door	"	
"	Hi, Mom I'm back	"	
"	And that's the end of the Lion Hunt		

Four Twos

Up and down)
up and down)
up and down) can be played in a circle.
and sit on the floor)

Heads and Shoulders

This can be a sitting game, or a circle game. Children touch the parts of their bodies referred to.

Heads and shoulders, knees and toes, knees and toes
Heads and shoulders, knees and toes, knees and toes
And eyes and ears and mouth and nose
Heads and shoulders, knees and toes, knees and toes

Let's Pretend

Children enjoy the world of make-believe. "Let's pretend we're airplanes flying around the room."

"Let's pretend we're bunnies, hopping.
Let's pretend we're monsters, what do they do?
Let's pretend we're spinning tops, spinning around.
Let's pretend we're trees, swaying in the breeze.
Let's pretend we're grandfather clocks, what do they do?
Let's pretend we're tightrope walkers, don't fall off.
Let's pretend we're horses, galloping.
Let's pretend we're snow, falling to the ground.
Let's pretend we're kangeroos hopping and holding our pouches.
Let's pretend we're rocks, what do they do?
Let's pretend we're elephants, swinging our trunks.
Let's pretend we're worms, wiggling, wriggling around.
Let's pretend we're ice skaters, skating on the ice.
Let's pretend we're jumping jacks, jumping up and down.
Let's pretend we're turtles, going very slowly.
Let's pretend we're flowers, opening up.

APPENDIX

1. What You Could Buy at Woolworth's for $75.

In obtaining equipment for your Day Care Program, these are some items available at Woolworth's:

	Hand Mirror (plastic-backed)		$ 1.00
	*Hair Roller and Tissue Box (for storage)		1.00
	Play Skool Colored Blocks (10 shapes) 11 Oblongs, 28 squares, 2 roman arches 2 half circles, 1 doublang, 2 triangles 6 pillars, 6 half pillars, 6 columns, 6 half columns		3.79
	*Fischer-Price Milk Carrier		1.27
	Fischer-Price Rock-A-Stack		1.17
	Play Skool Work Bench (plastic and wood)		3.19
	Play Skool Jumbo Beads (with string)		1.85
OPTIONAL ITEMS	*Milton Bradley 24 Match Ups - Words to Spell		1.09
	*Milton Bradley " " " - Count from 1 to 24		1.09
	*Milton Bradley " " " - People and their jobs		1.09
	*Milton Bradley " " " - Picture Alphabet		1.09
	Wooden Puzzles		
	Hungry Kid	8 pieces	2.09
	Monkey Shines	7 pieces	2.09
	Reddy Fox	7 pieces	2.09
	Polar Bear	8 pieces	2.09
	Jump Ropes		.29
	Iron Kit		.59
	Kitchen Utensils		.83
	Doll Accessories		.69
	Telephones		
	Push Button (3)		1.49
	*French Phone		1.39
	*Nurse Kit		1.29
	Spinning Top		.99
	*Tick-tock Clock (Transogram)		4.77

Golden Books

*Polite Elephant		1.25
Happy Puppy		1.25
Counting Book		1.25

Tell-A-Tale Books

Bingo		.25
Too Many Kittens		.25
*The House That Jack Built		.25
Digger Dan		.25
*Three Little Pigs		.25
*Once I Had a Monster		.25
Whose Baby Is That		.25
*Farm ABC		.25
*Mr. Grabbit		.25
*The Gingerbread Man		.25
*The Three Bears		.25
Rug Yarn (large package)		1.00
*Wool Yarn (skein)		.39
Shoe Boxes (for storage)	3 for	1.00
Trucks (plastic)		1.00
*Crepe Paper (package)		.35
Felt Pieces (green, white, red)		.19 ea.
Plastic Poker Chips (counting, sorting) 100 in package		.97
Rubber Balls (large)		.88
Modelling Clay (4 in a package)		.43
*Balloons (3 dozen in package)		.29
Clothespins (2 dozen in package)		.79
Egg beaters (3)		1.49
Strainers		.89
Rubber Basting Bulb (for water play) (2)		.79
Scoops (plastic) 3 sizes		.29
*Manila Envelopes		.29
Paste - Herald Square		.29
Rubber Cement (3)		.49
Elmer's Glue (3)		.50

Crayons

Milton Bradley (8 crayons)	(15 packages)	.12
Milton Bradley (16 crayons)		.29

Board Erasers	.49
Paper Punch	.59
Rubber Bands (in either jumbo, medium, small)	.19 ea.
Paper Fasteners	.25
*Stamp Pad	.49
Push Pins (5 in package)	.19
Magic Markers (red, yellow, blue, green, black, brown, purple, orange) (2 each)	.49
Scotch Tape (3 rolls)	.39
Stapler	1.69
Construction paper - 9x12 16 colors (50 sheets)	.59
Refills (for staples) (2 packages)	.79

*Optional items.

2. Sources of Inexpensive Materials and Program Ideas:

"The Big Rock Candy Mountain," published six times a year by:

Portola Institute, Inc.
1115 Merrill Street
Menlo Park, California 94025

has wonderful ideas for making equipment, and places to order materials from.

Lumber yards are interesting places to go to for scrap lumber and if you are planning on making a great deal of the furniture for your day care center.

On the following six pages you will find some sources of interesting materials to use in the various curriculum areas in your day care center.

3. Creative Teaching Workshops List for the Lower East Side

This is a directory of supplies frequently used by teachers. It is not a complete directory and should be used as a guide. Since parents and teachers involved in workshops are scattered over the New York area, we have used the Workshop at 45 Suffolk Street as a base and have tried to locate suppliers as close to that address as possible. When possible, you should try to locate supplies in places that are convenient to you. Most of the items listed can be purchased almost anywhere in New York; a few are available only from a limited number of suppliers. Note: discounts are often given for purchases in large quantities.

Item	Description	
Bamboo	Bamboo comes in all lengths and widths. In large quantities it is usually sold in bales of 100. Our supplier sold a bale of 6' poles with a dia. of 7/8"-1" for $14 which is the best price in NY. However, at their warehouse in Hoboken we got cut-up pieces and other bamboo articles for a tremendous discount. They also sell other reed supplies, elephant tree bark mats, etc.	Charles Demarest, Inc. 90 Beaver St.
Buttons	Button manufacturers often have large supplies of buttons that are out of style. This manufacturer said he would sell us 10,000 for $2. Less for free.	A&B Plastics Mfg Co 242 W. 36th St. 563-3670
Eye-Droppers	Eye droppers can be purchased at almost any drug store or 10¢ store, @.15 or .20 each. For large supply, call a medical supply company.	

Cardboard Containers (paint buckets)	The easiest way to get paint buckets is to go to a paint store and either buy them, ask for a donation or have them tell you where you might write or go for a larger quantity.	
Drinking Straws	Straws may be purchased at local paper supply companies. See Paper & Plastic Cups, Containers & Utensils in the Yellow Pages for one nearest you. The usual price is $1.50 per 1,000.	Revere Paper Product 529 Greenwich 924-9554
Bottle Caps (crowns)	Bottle caps of the pry-up coke-bottle type. David Baskowitz will give us 2,000 because it is an educational project. Can find out how much he will sell for in the future.	Baskowitz Bottling 131 Emerson, BTW M & Willoughby Brooklyn 638-1327
Plastic	This company sells all kinds of plastic containers but does not send out a catalog. There are about 10 basic kinds: Pharmaceutical, cosmetic, etc. Might be good to go down there and look around. Speak to Mr. Packston.	Imco Containers Co. 430 Park Avenue 752-7713
Aluminum	Most aluminum warehouses are in Long Island and New Jersey. We can get scrap aluminum for $.35 or $.40 a pound for a minimum order of $20. Call Neil Brobeck at 786-7737 two or three days before picking up at the Receiving Department before 11:30 a.m.	Alcoa Districutors 4-03 48th Avenue Long Island City, NY
Marbles	Aparently marbles (that is, playing marbles) are only manufactured in West Virginia. We have received a donation of 2,000 from the warehouse of this company. You can order through their N.Y. office at $1.50 per 1,000 Advise you buy in large quantities because shipping cost is more than the price of the marbles.	Berry Pink Industries p.o. Box 195, 1st Ave. Paden City, W.Va. 26 Mr. Howdyshell 304-337-2273
Cork	Sheets, blocks, balls, stoppers of cork available here. Sheets 1/32'-2" cut in any shape.	Abetter Cork Co. 262 Mott St. (nr. Houston) 925-7755

Feathers	There is a feather district in NYC Regular stuffing white duck feathers are sold by the pound for $2. Feathers come in all sizes and colors. Check the Yellow Pages of the phone book.	I. Itzkowitz 161 Allen St. -between Stanton & Riverton Charles Zucker Corp. 31 Mercer 966-2511
Foam Rubber	Foam rubber comes in all shapes and sizes. Best thing to do is go and look Suppliers are listed in Yellow Pages under Hose & Tubing (rubber and plastic) and Foam Rubber.	Carlyle Rubber Co. 155 W. Broadway -between Worth & Thomas Sts. 349-3810
Flower Pots	Flower pots (clay) are sold in many sizes: 2"@.20; 4"@.30; 5"@.45; 6"@.60; 7"@.95; 8"@$1.45. Check Yellow Pages under Nursery. Discounts often given for large orders.	Greenwich Nursery & Pots 203 East 46th Street 755-7051
Hose (rubber)	Hosing comes in different widths, texture and flexibility. Available at this company for $.15 a foot which could be expensive; suggest you go down and look.	Carlyle Rubber Co. 155 W. Broadway Betw. Worth & Thomas 349-3810
Innertubes	Inner tubes are no longer being used in tires. Check Tire Company in the Yellow Pages and you will find that many companies have old ones lying around. We Got some from:	Lafayette Tire Co. Cor. Houston 321 Lafayette St. 925-1516
Spools(wood)	The smartest way to get spools is to save them and have kids do the same. Most Thread companies make their own spools and do not sell them threadless to the public. Calling other thread companies might be worth a try, however.	American Thread Co. Mrs. Smiley Mr. Demetrose 90 Park Ave. 697-6900
Stained Glass	Stained glass is impossible to get as a waste product. At this place you can buy all colors and shapes for $.69 a pound.	American Handy Crafts 14th St., btw. 5th and 6th. 675-7611
Styrofoam	These are trays with indentations, that can be used for paint mixing trays. Ask the vegetable man at any grocery store to save the trays that avocados come packaged in. Trays like this in cardboard and in different colors (orange, apple, pear packaging) might be useful.	
Test Tubes	Small test tubes can be purchased at almost any drug store. At this hobby shop they sell (on order) for: 5" tube 3@.55 6" tube 3@.65	Polk's Hobby Shop 314 5th Avenue 279-9034

Tile(ceramic)	Small ceramic bathroom tiles in all shapes (hexagons, squares, rectangles, etc.) are sold in square foot sheets containing about 125 single tiles. They start at $.65 per sq. ft. Look up Tile in the Yellow Pages for convenient location. At Standard Tile, Val Dambrosio will give us 7/8" tiles for $.50 per pound.	Central Tile Co., Inc. 133 W. 24th Street 243-4732 Standard Tile Co. 854 Rockaway, Brooklyn 342-3400
Tubing (cardboard)	This is cardboard tubing of the kind that rugs come rolled in. Other carpet suppliers should be contacted; they throw out these tubes by the dozen.	Consumer Carpet Works 103-35 180th St. Jamaica, Queens Mr. Darvey 657-2180
Tubing (conduit)	Metal conduit tubing for chimes.	117th & 2nd Ave. N.E. Corner
Sand	Sand is usually sold by the ton in a truck load. Colonial Sand will give or sell by the bag or in smaller amounts.	Colonial Sand & Grav. Rosen & South Streets
Tongue	These are sold by first aid supply companies at $1/100 and $2.50/500.	Liberty Medical Supp. 142 Duane Street 732-4141
Fish Netting	Fish netting comes in all sizes and colors. It would be best to know exactly what size and kind you want and then call or go down andlook.	Fulton Supply Co. 23 Fulton 267-4642
Mealworms	Mealworms can be purchased at local pet stores occasionally, and at biological supply houses. 600 should be sufficient for a class of 30. 300 should be ordered at the start of the unit, 300 more several weeks later. Mealworms become listless after being kept around for 4 weeks or so.	Dix Box P.O. 427 West Palm Beach, Fla. Brockton Worm Hatcher. Mrs. Eleanor Sylvester 18a Fuller St. Brockton, Mass.
Measuring Cups	Peanut butter often comes in jars with measurements marked on the side. Other-plastic and metal cups may be purchased at most hardware stores for under $.50	
Funnels	The triangular paper dixie cup may be made into a funnel by snipping off the end. Regular funnels can be bought at most hardware and grocery stores.	
Plasticene	$.35/pound at	Sculpture House 90 E. 30th St. 679-7474

<table>
<tr><td>Springs (metal)</td><td>Springs of all sizes are available at this company - springs as big as car springs down to tiny odd-shaped ones. Best to go and look</td><td>Mechanical Springs
90 Walker St.
925-9712</td></tr>
<tr><td>Fish Tanks</td><td>Fish tanks come in sizes from 1 gallon capacity up to more than 50 gallons. These are some sizes and costs.
<table>
<tr><th>G</th><th>L</th><th>W</th><th>H</th><th>Price</th></tr>
<tr><td>1</td><td>8</td><td>4</td><td>6</td><td>$2.50</td></tr>
<tr><td>5-1/4</td><td>16</td><td>8</td><td>10</td><td>5.25</td></tr>
<tr><td>12</td><td>20</td><td>10</td><td>14</td><td>9.75</td></tr>
</table>
Pet shops also sell small aquariums</td><td>Aqua-Stock
31 Warren St.
267-3938

Nassau Pet Shop
129 Nassau St.
962-4374</td></tr>
<tr><td>Balloons</td><td>Balloon manufacturing companies sell balloons in all sizes, shapes and colors (up to the size of a blimp) and will print any message on them. Call this company if you know what size and quantity you want</td><td>Toy Balloons Corp.
204 E. 38th St.
682-3803</td></tr>
<tr><td>Wire</td><td>This company sells all kinds of wire-- copper, aluminum, braided, michrom stainless steel, nickel, platinum, tungsten tin plate, etc. Check the Yellow Pages for other wire companies</td><td>Magnet Wires, Inc.
25 Walker St.
226-0900</td></tr>
<tr><td>Styrofoam</td><td>Styrofoam is sold in all shapes, colors and quantities. The basic stock consists of sheets 12" wide and 36" long of various widths. 1/4" width: $1.19; 1"-$1.40; 2"-$2.75</td><td>Party Bazaar
390 5th Ave. Nr. 36th
695-6820</td></tr>
<tr><td>Plastic Sheets</td><td>Clear plastic sheets. 1/16"width-$1.00 per foot. Colored $1,10 per foot. 1/8th" - $1.35 per foot.</td><td>AMPLAST, Inc.
359 Canal Street
966-3822</td></tr>
<tr><td></td><td colspan="2">(Plastic and rubber goods will be found in the 300's on Canal Street.)</td></tr>
<tr><td>Plastic Mirror</td><td>Are expensive: $4.00 per sq. ft. the owner of this store, Mr. Chute, might give us a discount because it is an educational program.</td><td>Parallel Mfg. Corp.
32 E. 10th Street
777-8787</td></tr>
<tr><td>Jewels (Glass or plastic)</td><td>Check the Yellow Pages under Jewels-Imitation Stones for listings of places that sell fake stones. At this company we can get assorted shapes and colors for about $5 per pound. He was friendly and willing to make any arrangements for us.</td><td>Belgard & Frank Inc.
17 E. 37th Street
685-6235</td></tr>
</table>

Petre Dishes (plastic culture dishes)	100mm x 50 mm plastic disposable culture dishes sold by the sleeve, 20 dishes per sleeve. These dishes are supposed to be used only once in careful scientific experiments because they are sterilized with gas. However, if thoroughly washed they can be used in other than biological capacity.	International Equipment & Supply Co. 1103 St. Nicholas Ave. at 168th Street 927-0044
Plastic	Plastic containers are used in science projects, or for general use. There are so many varieties of shapes, sizes, colors and containers that it is best to go down and look at what isavailable. Check the Yellow Pages under Paper & Plastic Containers to find a supplier closer to you.	Dixie Paper Company 10 Avenue C 228-6630
Geo-blocks and pattern blocks	Colored, wooden blocks of different geometric shapes. You can make geo-blocks yourself by going to a lumber yard and asking them to cut the wooden shapes. However, if you want the pre-packaged kit big enough for a whole class you can order them from McGraw-Hill.	McGraw-Hill Book Co. Webster Division Hightstown, N.J.
Colored Sand	Colored sand is a project kit from McGraw-Hill also. There are four kinds of colored sand in four different grains so that when mixed sand is sifted through a very fine mesh, only one of the colors comes through. The entire colored sand kit sells for $96, but you can buy the sand separately in 24 lb. packages for $15 each.	McGraw-Hill Book Co. Webster Division Hightstown, N.J.
Burlap	Burlap is often sold at material stores. It comes in different colors. The price for regular rough burlap is about $.69 per yard for a 38" and $.99 per yard for a 52" width.	Bon Bazar 149 Waverly place 255-8889
Canvas	Canvas also comes in different grades and colors. The regular rough canvas costs between $1.25 and $2.00 per yard.	ADIX Manufacturing Co., 381 Park at 27th. 684-5766
Rings	Glass, metal and plastic rings are sold at the same place that sells the glass and plastic balls.	Empire Notions Co. 105 E. 29th St. 683-5197
Barrels	Check the Yellow Pages under Barrels- Wood and Steel for the closest place to you. A plywood barrel 20" high and 17" wide costs about $1.50. Steel drums with or without top approximate prices: 55 gal. capacity - $6.00 30 gal. 3.50 15 gal. 3.00	Keating M 118 Sullivan Street 966-4626

Dry Ice	Check the Yellow Pages under Dry Ice for The place closest to you. The going rate is $.25 per pound and $.20 per pound for larger quantities such as 50 pounds.	AAA Dry Ice 241 E. 24th Street. 683-3606
Leather Scrap	Small pieces of leather scrap are sold by the pound. Depending upon what kind of leather you want, prices start at $.50 per pound. Check the Yellow Pages under Leather Scrap.	Veteran Leather Co. 729 Broadway at Waverly Place 473-0950
Balls (glass)	Glass balls come in all sizes and colors, hollow and solid, with or without holes.	Empire Notions Co. 105 E. 29th St. 683-5197
Solid:	Solid glass balls sizes 3/8", 1/2", 3/4" 1". 100 clear 1" balls sell for $4. 100 colored balls - $4.70. There are larger sizes 2-3/8", 2-1/2" or 2-3/4". 2-3/4" balls sell for $9 per dozen.	
Hollow	3/4" hollow glass balls with pearlized insides sell for $3 per gross (gross=144).	
Ball (plastic)	Hollow plastic balls are also available in various sizes. Most of them come in halves. 2-¼", 2½", 3" and 4". 2¼" sell for $1.25 per dozen; 4" sell for $4.20 per doz.	Empire Notions Co. see above
Balls (steel)	Steel balls come in varying sizes and grades from 3/32" to 3/4"; they are usually sold by the carton, but might split a carton for us.	Sterling Commercial Steel Ball Corp. 136 Liberty Street. 267-0200 Mr. Peterson

Size	#/Carton	Cost per 1,000
3/32"	20,000	$ .55
1/8	25,000	.36
1/4	4,000	1.06
7/32	5,000	.83
3/4	125	38.90

Beads	This company sells all kinds of beads--wood, seed, metal, glass, pearl, plastic, rhinestone, bamboo, etc.	Walbead, Inc. 38 W. 37th Street 564-7070
Rubber Balls		Barr Rubber Prod. Co. 200 Fifth Avenue 675-7372

4. Educational Programs Bibliography

The following books and pamphlets can offer more information on the structure and implementation of some of the educational models used on pre-school programs:

(1) Teaching Disadvantaged Children in the Pre-school
by Carl Bereiter/Siegfried Engelmann

- detailed curriculum guide, and step by step language program.

(2) The Cognitively Oriented Curriculum
(A Framework for Pre-School Teachers)
by David P. Weikart, Linda Rogers, Carolyn Adcock
NAEYC, Publishers
(National Ass'n for Education of Young Children)
1629 21st Street. N.W.
Washington, D.C. 20009

- based on Piaget's theory of how children think and how their minds grow and develop - a focus on the process of learning.

(3) Inside the Primary School
by John Blackie
Published by Her Majesty's Stationery Office
London, England -1967

The Integrated Day in the Primary School
by Mary Brown and Norman Precious

Some insight on the "open classroom".

The English Infant School and Informal Education
by Lillian Weber
Prentice-Hall -1971

Children at School: PRIMARY EDUCATION IN BRITAIN TODAY
by Geoffrey Howson

(4) The Montessori Method
by Maria Montessori
Schocken Books -1964

Montessori in Perspective
Published by Publications Committee of NAEYC

A Montessori Handbook
by R.C. Orem
Capricorn Books, -1966

Curriculum Implementation and Materials for the Montessori Method.

(5) Early Child Stimulation Through Parent Education
by Ira. J. Gordon

Reaching the Child Through Parent Education: The The Florida approach
by Ira Gordon

Intellectual Stimulation for Infants and Toddlers
by Ira J. Gordon & J.R. Lally
write to: Institute for Development of
Human Resources
College of Education
University of Florida
Gainesville, Florida 32601

(6) Education Development Center
55 Chapel Street
Newton, Massachusetts 02160

(7) Dr. John Hemphill
Far West Laboratory for
Educational Research and Development
Claremont Hotel
1 Garden Circle
Berkeley, California 94705

(8) Dr. Ronald Henderson
Arizona Center for Early Childhood Education
Research and Development Center
College of Education
University of Arizona
Tucson, Arizona 85721

(9) Dr. Joseph Wepman
Early Education Research Center
University of Chicago
5801 S. Kenwood Ave.
Chicago, Illinois 60637

PART SIXTEEN

PURCHASING EQUIPMENT
FOR YOUR DAY CARE CENTER

Bank Street Day Care
Consultation Service

PURCHASING EQUIPMENT

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PURCHASING EQUIPMENT

I. Getting Money for Food and Equipment

Because you will be serving lunch in your center, you need money in your budget for food. The Agency for Child Development allows 51¢ per day for each child in a center of up to 50 children.

The ACD will pay for the equipment in your center. You will need initial equipment such as tables, chairs, cubbies, play equipment, filing cabinets, etc. Although the amount that the ACD will pay to equip your center is flexible, usually they will only pay $1,500 per classroom, although some centers have gotten between $2,000-$2,500 per classroom. Your budget will also include a replacement equipment allowance, for equipment that gets damaged or broken.

The ACD will give you a separate allowance of $15 per child each year for things like paint and clay. Your budget will also include money for other necessary supplies such as postage, stationery, and a telephone.

Sometimes the consultants will give you figures that are lower than these because their figures are out of date. This is less likely to happen if someone familiar with purchasing equipment goes with you to the budget meeting.

Sometimes the consultants want to approve every individual item of equipment that you plan to buy. This is not required by City policy.

Once you have decided what kind of equipment you want, you will have to follow the procedure for ordering the equipment that the ACD has set up. This procedure is very time-consuming and often confusing. Basically, the ACD has established categories for different kinds of equipment, for example: outdoor play, kitchen, medical, etc. You should not list items from different categories on the same form. Be prepared to fill-out a lot of forms and to make several copies of each one. This section includes a sample of a completed form and ACD's list of categories. Important: by filling out the form you are only requesting your ACD consultant to approve your purchase of the items listed. Your consultant should return one copy of each form to you indicating which items you may or may not purchase. You then purchase the approved items.

II. How To Contact Minority Suppliers and Businesses

Many centers have expressed interest in purchasing from minority businesses. There are many minority businesses in the City from which you can purchase the things you need in your center, including food, office furniture, children's furniture, playthings, educational materials and books, etc.

We are not listing any minority businesses in this MANUAL because we do not have a complete list. If you are interested in contacting minority businesses call Ed Meredith at the Bank Street Day Care Consultation Service (663-7200, Ext. 225), for names, addresses and phone numbers of the limited list that we have, as well as names of community day care groups who are purchasing from minority businesses.

The organizations listed below can also help you contact minority businesses.

Black Pages 228 7th Avenue New York, N. Y. 212 242-3405	Publishes a directory giving the telephone numbers and locations of black businesses throughout the New York City area. Directories should be available in the Fall of 1971.

. . . . . .

ICBO - Interracial Council for Business Opportunity
470 Park Avenue South

New York, N. Y. Ben Jones 212 889-0880	Basically provides training in all areas of business operations, ICBO has directories of minority businesses throughout the City of New York.

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Form M-873c
Rev. 7/1/67

REQUISITION TO PURCHASE PERMANENT EQUIPMENT

TO: Division of Day Care

Date April 17, 1971

FROM: XYZ Day Care Center — 64 Smith Street, Brooklyn, N.Y.
Operating Agency — Address

Approval is hereby requested for purchase to be made by us for the following permanent equipment items for the:

XYZ Day Care Center — 64 Smith Street, Brooklyn, N.Y.
Center — Address

Category	ITEM	QUANTITY	APPROX. UNIT PRICE	TOTAL
TEACHING AND PLAY SUPPLIES - ART SUPPLIES (CONTINUED)				
	Pipe Cleaners	6 pkg.	1.00	6.00
	Felt Pieces	4 pkg.	1.50	6.00
	Scotch Tape	12 rolls	.99	11.88
	Tape Dispenser	2	2.75	5.50
	Paper Clips	4 boxes	.80	3.20
	Thumb Tacks	4 boxes	.26	1.04
	Paper Fasteners - Small	1 box	5.40	5.40
	Paper Fasteners - Large	1 box	6.21	6.21
	Rulers	1 dozen	.75	.75
	Magic Markers	12	.49	5.88
				$322.16

Signature of Authorized Agent — Title

AGENCY NOT TO FILL OUT BELOW THIS LINE

APPROVED: Subject to budgetary allowance (Signed)____________________

(Title)__________________ Date_____
Division of Day Care

Note: The items crossed off were not approved for the following reasons:

(Prepare in triplicate. Send two copies to the D.O.S.S. , one copy will be returned to you approved or disapproved. This copy is then to be kept by the Day Care Center.)

Form M-873b p.1
Rev. 7/1/67

THE CITY OF NEW YORK - DEPARTMENT OF SOCIAL SERVICES
Bureau of Child Welfare - Division of Day Care

CLASSIFICATION OF EXPENDITURES FOR DAY CARE CENTERS - Effective July 1, 1959

The attached material will provide a guide for purchasing, classifying and claiming reimbursement for expenditures for equipment, supplies and repairs.

Please review this carefully as there have been many changes in the classification of items.

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Household Supplies....................................4
Office Supplies.......................................5
Medical Supplies......................................5
Laundry...5

BUDGET CATEGORY VII*

Minor Repairs and Upkeep to Plant and Equipment........5

* Approval for unlisted items may be requested from the Division of Day Care.

To be reimbursable by the Department of Social Services, all equipment must be requisitioned on Form M-873c and approved by the Division of Day Care in advance of purchase. Similarly, all repair expenditures of $50 or more must have advance approval.

Form M-873b p.2
Rev. 7/1/67

Department of Social Services
Bureau of Child Welfare
Division of Day Care

BUDGET CATEGORY IV

EQUIPMENT

(Must be requisitioned and approved before purchasing)

INDOOR PLAY

Accessory toys exceeding $10 per toy
Auto harp
Blocks, unit and construction
Doll bed
Doll carriage
Easel
Hot plate
Phonograph
Piano (Transportation)
Stove (Play)
Units - dressers, sink, laundry, baby bath and dish
Workbench and organizer

OUTDOOR PLAY

Blocks - hollow
Boards - play, walking
Climbers
Gang plank
Jungle gym
Kegs
Ladders
Ladder box
Nesting bridges
Packing cases
Push trucks
Rail fence
Rocking boats
Sand box and cover
Sand table
Saw horses
Storage boxes
Tumbling mats
Wagons
Wheelbarrows

FURNITURE

Bookrack
Chair - adult, children's, rockers
Cabinets - medicine, storage, tool, shelving
Cots
Cot dollies and racks
Lockers
Steps
Tables - children's, examining

KITCHEN AND SERVING

Cabinets
Chairs
Fans (ventilating)
Mixers
Range
Refrigerator
Sterilizer
Table
Truck - serving

OFFICE

Adding machine
Desk
Desk lamp
File cabinets
Typewriter

MISCELLANEOUS

Bulletin board exceeding $10
Fan
Fire extinguisher
Medical scale
Tools exceeding $10 per tool

Freight and transportation charges when paid in relation to above items.

(over)

Form M-873b p.3
Rev. 7/1/67

Department of Social Services
Bureau of Child Welfare
Division of Day Care

BUDGET CATEGORY IV

TEACHING AND PLAY SUPPLIES

ART SUPPLIES

- Brushes
- Chalk
- Clay
- Clay pails
- Collage material
- Crayons
- Finger paint ingredients
- Paint
- Paper
- Paste
- Scissors
- Scrap books
- Tongue depressors
- Wire

BLOCK PLAY

- Block busters
- Color cubes
- Transportation and accessory toys under $10
- Wedgies

BOOKS (for children)

HOUSEKEEPING AND DOLL PLAY

- Accessory material
- Broom
- Clothesline
- Clothespins
- Cooking utensils
- Dishes
- Dolls
- Doll clothes
- Dough and ingredients
- Dust pan and brush
- Iron
- Ironing board
- Mop
- Soap flakes
- Sponges
- Telephone

MANIPULATIVE TOYS

- Beads, wooden
- Color cone
- Cubes, design
- Hammer beds
- Nested blocks
- String for beads

MUSICAL TOYS

- Bells
- Cymbals
- Drums
- Melody bar
- Phonograph needles
- Phonograph records
- Rhythm sticks
- Tambourines
- Triangle

SCIENCE MATERIAL

- Accessory material
- Aquarium
- Batteries
- Magnet
- Magnifying glass
- Pets and pet food
- Plants
- Prism
- Pulleys
- Seeds
- Terrarium

WOODWORKING MATERIAL

- Accessory material
- Hardware
- Lumber
- Sandpaper
- Tools under $10 per tool:
  Awl, brace and bit, chisel, clamp, file, hammers, plane, pliers, rasp, ruler, saw, screwdriver, tool rack, trisquare, vise

MISCELLANEOUS

- Balls
- Baskets
- Games
- Gardening tools
- Hose and spray
- Pails
- Puzzles
- Rope
- Sand
- Sand toys
- Sewing material
- Transportation for trips
- Tubs

Freight and transportation charges when paid in relation to the above items.

Form M-873b p.4
Rev. 7/1/67

Department of Social Services
Bureau of Child Welfare
Division of Day Care

BUDGET CATEGORY IV

HOUSEHOLD SUPPLIES

KITCHEN EQUIPMENT

- Bowl
- Bowl cover
- Butcher steel
- Can opener
- Canisters
- Chopper
- Colander
- Crisper
- Cutting board
- Drainer
- Eggbeater
- Flour sifter
- Forks
- Funnel
- Garbage can
- Grater
- Grinder
- Ice cream scoop
- Knife
- Ladle
- Measuring cup
- Orange juicer
- Oven rack
- Potato masher
- Pots and pans
- Refrigerator containers
- Scale
- Spoon
- Step stool
- Sterilizing baskets
- Strainer
- Tea kettle
- Thermometers
- Tongs
- Towel rack
- Tray
- Turner
- Vegetable brush
- Vegetable peeler
- Wire whip

LINENS

- Blankets
- Dish towels
- Sheets

MISCELLANEOUS

- Ash can
- Clock
- Cot dividers
- Indoor thermometer

MISCELLANEOUS (Continued)

- Sewing supplies
- Truck covers
- Waste receptacle
- Window shades

SANITARY AND CLEANING

- Bleach
- Brooms
- Brushes
- Detergent
- Disinfectants
- Dispensers - cup and towel
- Dust pan
- Facial tissues
- Mop handle
- Mop head
- Mop-master
- Pail
- Pail with wringer
- Paper cups
- Paper napkins
- Paper towels
- Polish
- Scouring pads
- Scouring powders
- Shovels
- Soap
- Soap powder
- Sponge
- Stepladder
- Toilet tissues
- Utility basket
- Wall duster
- Wax
- Wax paper

SERVING EQUIPMENT

- Bread container or pan
- Carrier
- Casserole
- Cup
- Cutlery box
- Dishes
- Forks
- Garbage receptacle (for truck)
- Knives
- Loaf pan (for flatware)
- Pitcher
- Plates
- Spoons
- Tray
- Tumbler

(over)

Form M-873b p.5
Rev. 7/1/67

Department of Social Services
Bureau of Child Welfare
Division of Day Care

BUDGET CATEGORY IV

OFFICE SUPPLIES

- Bookkeeping forms
  - Cash book
  - Check book
  - Fee receipt book
  - Individual employee records
  - Payroll book
  - Petty cash book
  - Petty cash vouchers
- Bulletin boards costing less than $10
- Cash box
- Desk baskets (wood or wire)
- Filing supplies
  - Folders, indexes, labels
  - Card files
- Miscellaneous
  - Pencils, penholders, pen points, erasers, rubber bands, clips, scotch tape, ink, ink eradicator, ruler, desk calendar, carbon paper, carfare to bank, etc.
- Office machine supplies
  - Typewriter ribbons
  - Adding machine ribbon
  - Adding machine tape
  - Machine cleaning fluid
- Pencil sharpener
- Rubber stamps
- Stationery
- Stapling machine and staples

MEDICAL SUPPLIES

- Adhesive tape
- Antiseptics
- Bandages
- Cotton
- Gauze
- Merthiolate
- Multi-vitamins
- Needles and syringes
- Swabs
- Thermometer, oral and rectal
- Tongue depressors
- Waste disposal can with cover

LAUNDRY

- Laundering of:
  - Blankets
  - Dish towels
  - Linens at laundromat
  - Sheets
- Sheet rental

****

BUDGET CATEGORY VII

MINOR REPAIRS AND UPKEEP TO PLANT AND EQUIPMENT

EQUIPMENT & BUILDING REPAIRS

- Awning repairs
- Canvas dot covers
- Formica table tops
- Fuses
- Hardware - nails, nuts, bolts, screws, etc.
- Keys
- Labor - other than regular janitor
- Light bulbs
- Locks
- Lumber for repairs
- Minor electrical repairs
- Minor plumbing repairs
- Office machine repairs
- Paint
- Paint brushes
- Radiator covers
- Shellac
- Toilet seats
- Tools for janitor costing less than $10
- Varnish

WINDOWS

- Window cleaning
- Window panes

EXTERMINATOR

NOTE: Prior approval is needed for repair expenditures exceeding $50.

Where facilities are shared, Department of Social Services reimbursement may not exceed the approved proportionate share of the cost.

Department of Social Services does not reimburse for repairs to outside of building or structural repairs.

APPENDIX

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STATE OF NEW YORK

5468—A

1969-1970 Regular Sessions

IN SENATE

April 2, 1969

Introduced by COMMITTEE ON RULES—(at request of Messrs. Adams, Dominick, Lent)—read twice and ordered printed, and when printed to be committed to the Committee on Finance—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT

To amend the social services law, the private housing finance law, the state finance law, and the general municipal law; and to create the youth facilities project guarantee fund and prescribe the powers and duties thereof, and making an appropriation to such fund; in relation to the authorization of mortgage loans by the New York State housing finance agency for the construction of day care centers, the guarantee of such loans made by the agency and by lending institutions for such purpose; the lease of municipal buildings or parts thereof for use as day care centers; the inclusion of day care centers in limited-profit housing company projects; and to repeal and reenact subdivision six of section forty-two of the private housing finance law in relation to the definition of mortgage loan

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Section 1. Article six of the social services law is hereby amended by adding thereto a new title, to be title five-A, to read as follows:

TITLE 5-A

YOUTH FACILITIES IMPROVEMENT ACT

Section 410-c. Short title.
410-d. Policy and purposes of title.
410-e. Definitions.
410-f. Regulation of eligible borrowers
410-g. Mortgage loans.
410-h. Conditions and security for loans.
410-i. Rates and admission of children.
410-j. Transfer of real property.
410-k. Supervision.
410-l. Foreclosures and judgments.
410-m. Fees and charges.
410-n. Separability.

§ 410-c. Short title. This title shall be known, and may be cited and referred to, as the "Youth Facilities Improvement Act".

§ 410-d. Policy and purposes of title. There is a serious shortage throughout the state of facilities suitable for use for the care of children of pre-school age and primary school age whose parents are unable to provide such care for all or a substantial part of the day or post-school day. Existing facilities are overcrowded with long waiting lists. Many such facilities are so located that they are not accessible to families in need of such services. The absence of adequate day care facilities is contrary to the interest of the

people of the state, is detrimental to the health and welfare of the child and his parents and prevents the gainful employment of persons, who are otherwise qualified, because of the need to provide such care in their home during the day time hours.

It is the purpose of this article to encourage the timely construction and equipment of such facilities with mortgage loan participation by the New York state housing finance agency. The provision of such facilities is hereby declared to be a public purpose which it is the policy of the state to encourage.

§ 410-e. Definitions. As used in this title the following words and phrases shall have the following meanings unless a different meaning is plainly required by the context:

1. "Board". The state board of social welfare.

2. "Commissioner". The commissioner of social services of the state of New York.

3. "Department". The state department of social services.

4. "Eligible borrower". A non-profit corporation organized under the laws of the state of New York which is authorized to care for children and which has entered into a regulatory agreement in accordance with the provisions of section four hundred ten-f of this title.

5. "Project". "Day care center project". A specific work or improvement, including lands, buildings, improvements, fixtures and articles of personal property acquired, constructed, rehabilitated, managed, owned and operated by an eligible borrower to provide day care in the manner prescribed by the rules of the board for children of pre-school and primary school age and for facilities incidental or appurtenant thereto.

6. "Project cost". "Day care center project cost". The sum total of all costs incurred by an eligible borrower as approved by the commissioner as reasonable and necessary for carrying out all works and undertakings and providing all necessary equipment for the development of a project exclusive of any private or federal, state or local financial assistance available for and received by an eligible borrower for the payment of such project cost. These shall include but are not necessarily limited to the carrying charges during construction or rehabilitation up to and including the occupancy date, working capital not exceeding three per centum of the estimated total cost or three per centum of the actual total final cost, whichever is larger, the cost of all necessary studies, surveys, plans and specifications, architectural, engineering, legal or other special services, the cost of acquisition of land and any buildings and improvements thereon, site preparation and development, construction, reconstruction and equipment, including fixtures, equipment, and articles of personal property required for the operation of the day care center, the reasonable cost of financing incurred by the eligible borrower in the course of the development of the project, up to and including the occupancy date, the fees imposed by the commissioner and by the New York state housing finance agency; other fees charged, including any premium payments to the youth facilities project guarantee fund created by the youth facilities project guarantee fund act, and necessary expenses incurred in connection with the initial occupancy of the project, and the cost of such other items as the commissioner may determine to be reasonable and necessary for the development of a *project, less any and all rents and other net revenues from the operation of the real property, improvements or personal property on the project site, or any part thereof, by the eligible borrower on and after the date on which the contract between the eligible borrower and the New York state housing finance agency was entered into and prior to the occupancy date.*

7. "Occupancy date". The date defined in the documents providing for a mortgage loan between an eligible borrower and the New York state housing finance agency.

§ 410-f. Regulation of eligible borrowers. 1. Every eligible borrower, as a condition precedent to borrowing funds from the agency, shall enter into a regulatory agreement with the commissioner which shall provide:

(a) that the real property or other assets mortgaged or otherwise pledged to the agency shall not be sold, transferred, encumbered or assigned until the eligible borrower shall have repaid in full all obligations under the mortgage of the agency and has paid such other obligations as may be required by the commissioner provided, however, the provisions of this paragraph (a) shall not apply to any actions taken pursuant to section four hundred ten-l of this article;

(b) that the eligible borrower will maintain books and records and a system of accounts satisfactory to the commissioner and the agency including but not limited to separate books, records and accounts for (i) all monies advanced to the eligible borrower by the agency or from any other source or sources, public or private, for the construction, reconstruction, rehabilitation, improvement

or equipment of the project and (ii) all monies repaid in satisfaction of any indebtedness to the agency or other indebtedness as required by the commissioner; and the eligible borrower agrees that all of its books, records and accounts shall be open to examination by the commissioner and the agency at any time;

(c) that the eligible borrower shall file with the commissioner and the agency such financial statements including an annual report setting forth such information as the commissioner may require;

(d) that the eligible borrower shall not acquire any real property or interest therein for the purpose of constructing, reconstructing, rehabilitating or improving a day care center project without first having obtained from the commissioner a certificate that such acquisition is consistent with the purposes of this article;

(e) that the eligible borrower shall not issue notes, bonds, debentures or other obligations otner than for money or property actually received for the use and lawful purposes of the eligible borrower and no such note, bond, debenture or other obligation shall constitute a lien or encumbrance against the project, or any real property or other asset mortgaged or otherwise pledged to the agency;

(f) that the eligible borrower shall not without first having obtained the written consent of the commissioner:

(i) construct, reconstruct, rehabilitate, improve, alter or repair the project or enter into a contract therefor;

(ii) enter into contracts relating to the management or operation of the project;

(iii) make a guaranty of payment out of monies pledged to the agency or pledge any or all of its assets, income or revenue pledged to the agency to secure payment of its obligations;

(iv) lease a project or a portion thereof to a third party for the purposes of operation;

(v) voluntarily dissolve;

(g) that no member, officer or employee of the corporation which is an eligible borrower shall acquire any interest, direct or indirect, in any property then or thereafter included or planned to be included in a project, nor retain any interest direct or indirect in any property acquired subsequent to his appointment or employment which is later included or planned to be included in a project. If any member, officer or employee of a corporation which is an eligible borrower owns or controls an interest, direct or indirect, in any property included in a project which was acquired prior to his appointment or employment, he shall disclose such interest and the date of acquisition to the corporation and such disclosure shall be entered upon the minutes of such corporation and a copy of such minutes shall be forwarded to the commissioner;

(h) that all income and earnings of the eligible borrower shall be used exclusively for its corporate purposes;

(i) that no part of the net income or earnings of the corporation shall inure to the benefit or profit of any private individual, firm or corporation;

(j) that the eligible borrower will be subject to the visitation, inspection and supervision of the board as to any and all acts in relation to the welfare of children to be performed pursuant to this title;

(k) such other matters as the commissioner or the agency may require;

2. This regulatory agreement shall terminate at any time after the expiration of ten years after the occupancy date upon the consent of the commissioner and upon the repayment in full of all obligations under the mortgage of the agency and of such other obligations as the commissioner may require.

§ 410-g. Mortgage loans. 1. Any eligible borrower may, subject to the approval of the commissioner, borrow funds from the agency and secure the repayment thereof by bond or note and mortgage which shall contain such terms and conditions as may be deemed necessary or desirable by the agency or required by any agreement between the agency and the holders of its notes and bonds, including the right to assignment of rates and charges and entry into possession in case of default, but the operation of such project, in the event of such entry, shall be subject to the rules and regulations of the board and the commissioners.

2. The agency may make contracts to make loans to an eligible borrower in an amount not to exceed the total project cost. Any such loan shall be secured by a first mortgage lien upon all the real property and improvements of which the project consists and may be secured by such a lien upon other real property owned by the eligible borrower, and upon all fixtures and articles of personal property attached to or used in connection with the operation of the project.

3. Any inconsistent provision of law to the contrary notwithstanding, mortgages of an eligible borrower shall be exempt from *the mortgage recording taxes imposed by article eleven of the tax law.*

§ 410-h. Conditions and security for loans. No loan shall be made by the agency to an eligible borrower until the commissioner has approved the project and finds that:

1. The eligible borrower has been approved by the board and complied with all of the provisions of this title;

2. The plans and specifications conform to the requirements of all laws and regulations applicable thereto and assure adequate light, air, sanitation and fire protection and are satisfactory to him;

3. The estimated revenue of the project or from other funds of the eligible borrower pledged, assigned or otherwise to be made available to the agency will be sufficient to cover all probable costs of operation and maintenance, of fixed charges and such reserves as may be authorized by the commissioner or required by the agency;

4. Provision has been made for the purpose of providing for the payment of the difference between the estimated project cost and the mortgage loan; and in the event the final project cost shall exceed the estimated project cost, the difference between such final project cost and the mortgage loan;

5. The eligible borrower has entered into a regulatory agreement pursuant to section four hundred ten-f of this title.

§ 410-i. Rates and admission of children. 1. An eligible borrower shall, with the approval of the commissioner, fix a schedule of rates to be charged parents, guardians or other persons having legal custody of the child and to social services officials or other authorized agencies for the facilities and services provided by the eligible

borrower pursuant to this title. The commissioner upon his own motion, or upon application by the eligible borrower or lienholder may vary the amount of such charge from time to time so as to secure, together with all other income of the eligible borrower pledged, assigned or otherwise made available to the agency, sufficient income to meet, within reasonable limits, all necessary payments by the said eligible borrower of all expenses, including fixed charges, sinking funds and reserves.

2. The facilities and services to be provided by the eligible borrower pursuant to this title shall be available to all children in need thereof.

§ 410-j. Transfer of real property. Notwithstanding any requirement of law to the contrary or any provision of any general, special or local law, charter or ordinance, every executor, administrator, trustee, guardian or other person holding trust funds or acting in a fiduciary capacity, unless the instrument under which such fiduciary is acting expressly forbids, and the state, its subdivisions, municipalities, all other public bodies, all public officers, persons, partnerships and corporations owning or holding any real property, may grant, sell, lease or otherwise transfer any such real property or interest therein to an eligible borrower and receive and hold any cash, exchange therefor by such an eligible borrower and may execute such instruments and do such acts as may be deemed necessary or desirable by them or it and by the eligible borrower in connection with a project or projects and such sale, lease or transfer may be made without public auction or bidding; providing, however, that where such real property is within an

urban renewal area the disposition thereof shall be in accordance with the provisions of paragraph (d) of subdivision two of section five hundred seven of the general municipal law.

§ 410-k. Supervision. 1. The board and the commissioner may from time to time make, alter, amend and repeal rules and regulations for the supervision, examination, regulation and audit of an eligible borrower and for carrying into effect the provisions and purposes of this title, and each eligible borrower shall submit an annual report of its operations to the commissioner and the agency who may examine and audit the books and records of the eligible borrower at any time.

2. The commissioner and the department shall have power to act for and in behalf of the agency in servicing the day care center mortgage loans of the agency, and to perform such functions and services in connection with the making, servicing and collection of such loans as shall be requested by the agency.

3. (a) The commissioner and the department may, with respect to any project of which the agency has acquired the fee or otherwise, enter into an agreement with said agency subject to the approval of the director of the budget, for the department, as provided in paragraph (b) hereof, to operate the said project in a manner consistent with the purposes of this title. In such event, the commissioner, on behalf of the department, shall have the power to use any available funds to pay all operating expenses and to comply with all the terms and provisions of the mortgage, as though the mortgage had not been foreclosed, and to comply with the provisions of this title.

(b) Subject to the provisions of the agreement with said agency, the commissioner may contract with any person, firm or corporation which he deems qualified to operate and manage such project and to perform such duties and functions as he may deem necessary.

4. Whenever the commissioner shall be of the opinion that an eligible borrower is failing or omitting, or is about to fail or omit to do anything required of it by law or by order of the commissioner and is doing or is about to do anything, or permitting anything, or is about to permit anything to be done, contrary to or in violation of law or of any order of the commissioner, or which is improvident or prejudicial to the interest of the public, the lienholders, the shareholders, or the occupants, the commissioner may, in addition to such other remedies as may be available, commence an action or proceeding in the supreme court of the state of New York in the name of the commissioner, for the purpose of having such violations or threatened violations stopped and prevented, and in such action or proceeding, the court may appoint a temporary or permanent receiver or both. Such action or proceeding shall be commenced by a petition to the supreme court, alleging the violation complained of and praying for appropriate relief. It shall thereupon be the duty of the court to specify the time, not exceeding twenty days after service of a copy of the petition, within which the eligible borrowers complained of must answer the petition. In case of any default or after answer the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct in the interest of substantial justice without other or formal pleading. Such other persons or corporations *as it shall seem to the court necessary or proper to join as parties in order to make its order or judgment effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that an order or an injunction, or both, issue, or provide for the appointment of a receiver as prayed for in the petition, or grant such other relief as the court may deem appropriate.*

§ 410-l. Foreclosures and judgments. 1. In any foreclosure action the commissioner shall be made a party defendant. He shall take all steps necessary to protect the interests of the public therein and no costs shall be awarded against him. Foreclosures shall not be decreed unless the court to which application is made shall be satisfied that the interests of the lienholder or holders cannot be adequately assured except by the sale of the property. In any such proceeding, the court shall be authorized to appoint the commissioner as receiver of the property, or to grant such other and further relief as may be reasonable and proper.

2. Notwithstanding the foregoing provisions of this section, wherever it shall appear that the agency shall have loaned on a mortgage which is a first lien upon any such property, such agency shall have all the remedies available to a mortgagee under the laws of the state of New York, free from any restrictions contained in this section, except that the commissioner shall be made a party defendant and that the commissioner shall take all steps necessary to protect the interests of the public and no costs shall be awarded against him.

3. In the event of a judgment against an eligible borrower in any action not pertaining to the collection of a mortgage indebtedness, there shall be no sale of any of the real property of such eligible borrower except upon sixty days' written notice to the commissioner and the agency. Upon receipt of such notice the commissioner and the agency shall take such steps as in their judgment may be necessary to protect the rights of all parties.

§ 410-m. Fees and charges. The commissioner may, by regulation, establish and charge to eligible borrowers such fees and charges for inspection, regulation, supervision and audit as to the commissioner may appear just and reasonable in order to recover the departmental costs in performing these functions.

§ 410-n. Separability. If any clause, sentence, paragraph or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 2. Subdivision five of section twelve of the private housing finance law, as last amended by chapter ten hundred eighty-nine of the laws of nineteen hundred sixty-eight, is hereby amended to read as follows:

5. "Project." A specific work or improvement, including lands, buildings and improvements acquired, owned, constructed, rehabilitated, managed or operated by a company providing dwelling accommodations, non-housekeeping accommodations, or aged care

accommodations pursuant to this article, or undertaken, planned, developed or constructed pursuant to section thirty-six-a of this article, and such business, commercial, cultural, recreational, communal, dining, medical and nursing treatment, *day care center* or other facilities as may be deemed by the commissioner with respect to a project aided by a state loan or New York state housing finance agency loan or by the supervising agency with respect to a municipally-aided project or a project undertaken, planned, developed or constructed pursuant to section thirty-six-a of this article, to be incidental and appurtenant thereto. In the case of a state loan or New York state housing finance agency loan, a project shall effectuate all or part of a plan, provided, however, that such dwelling accommodations, non-housekeeping accommodations or aged care accommodations may be provided in any section of the municipality, whether or not such section has insanitary or substandard housing conditions.

§ 3. Section forty-one of such law is hereby amended by adding thereto a new subdivision, to be subdivision seven, to read as follows:

7. There is a serious shortage throughout the state of facilities suitable for use for the care of children of pre-school age and primary school age whose parents are unable to provide such care for all or a substantial portion of the day or post-school day. Existing facilities are overcrowded with long waiting lists. Many such facilities are so located that they are not accessible to families in need of such services. The absence of adequate day care facilities is contrary to the interest of the people of the state, is detri-

mental to the health and welfare of the child and his parents and prevents the gainful employment of persons, who are otherwise qualified, because of the need to provide such care in their home during the day time hours. In order to encourage the investment of private capital in such day care centers and to assure their timely construction, acquisition, reconstruction, rehabilitation and improvement, the New York state housing finance agency should be empowered, through the issuance of its bonds, notes or other obligations to the private investing public, to obtain a portion of the funds necessary to finance such facilities and to meet the needs of the community.

§ 4. Subdivision six of section forty-two of such law, as separately added by chapters five hundred nineteen, five hundred ninety-five and eight hundred sixty-two of the laws of nineteen hundred sixty-eight, is hereby **repealed,** and a new subdivision six inserted in place thereof, to read as follows:

6. "Mortgage loan" shall mean a loan made by the agency to a company in an amount not to exceed ninety per centum of the project cost, except that in the case of a mutual company, an urban rental company which has not been aided by any loan made prior to September first, nineteen hundred sixty-eight, or a non-profit company incorporated pursuant to the provisions of the membership corporations law and this chapter for the purpose of providing housing for staff members, employees or students of a college, university, hospital or child care institution and their immediate families or in the case of a community development corporation or a limited-profit nursing home company incorporated pursuant to *the provisions of article twenty-eight-A of the public health law, the loan shall not exceed ninety-five per centum of the project cost, or nursing home project cost, as the case may be, and in the case of a non-profit company incorporated pursuant to the provisions of the membership corporations law and this chapter for the purpose of providing housing for aged persons of low income and in the case of a non-profit nursing home company incorporated pursuant to the provisions of article twenty-eight-A of the public health law and the membership corporations law and in the case of a non-profit corporation which is an eligible borrower as defined in title five-A of article six of the social services law the loan shall not exceed the total project cost, nursing home project cost, or day care center project cost as the case may be, and secured by a first mortgage lien on the real property of which the project, nursing home project or day care center project, as the case may be, consists and the personal property attached on or used in connection with the construction, acquisition, reconstruction, rehabilitation, improvement or operation of the project, nursing home project or day care center project, as the case may be. "Company", "mutual company", "urban rental company", "project cost" and "project" shall mean company, mutual company, urban rental company, project cost and project, respectively, as defined in article two of this chapter. "Nursing home company", "limited-profit nursing home company", "non-profit nursing home company", "nursing home project cost" and "nursing home project" shall mean nursing home company, limited-profit nursing home company, non-profit nursing home company, nursing home project cost and nursing* *home project, respectively, as defined in article twenty-eight-A of the public health law. "Day care center project cost" and "day care center project" shall mean day care center project cost and day care center project, respectively, as defined in title five-A of article six of the social services law.*

§ 5. Section forty-two of such law is hereby amended by adding thereto a new subdivision, to be subdivision thirteen, to read as follows:

13. "Youth facilities project bonds" and "youth facilities project notes" shall mean bonds and notes, respectively, issued by the agency for the purposes of making mortgage loans to non-profit corporations which are eligible borrowers as defined in title five-A of article six of the social services law, paying interest on such bonds and notes, establishing reserves to secure such bonds and notes, and paying of all other expenditures of the agency incident to and necessary or convenient for the making of such mortgage loans.

§ 6. Subdivision nine of section forty-four of such law, as last amended by chapter eight hundred thirteen of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

9. Subject to the approval of the commissioner in the case of mortgage loans to other than nursing home companies *or non-profit corporations which are eligible borrowers as defined in title five-A of article six of the social services law,* who shall be guided by the provisions governing state loans contained in article two of this chapter, to make mortgage loans, to participate with the state in

making mortgage loans and to undertake commitments to make any such mortgage loans;

§ 7. Subdivision eleven of section forty-four of such law, as amended by chapter eight hundred thirteen of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

11. (a) In connection with the making of mortgage loans and commitments therefor, except mortgage loans and commitments made with nursing home companies *or non-profit corporations which are eligible borrowers as defined in title five-A of article six of the social services law,* to make and collect such fees and charges, including but not limited to reimbursement of all costs of financing by the agency, service charges and insurance premiums, as the agency shall determine to be reasonable and as shall be approved by the commissioner of housing;

(b) In connection with the making of mortgage loans and commitments therefor to nursing home companies, to make and collect from such companies such fees and charges, including but not limited to reimbursement of all costs of financing by the agency, service charges and insurance premiums, as the agency shall determine to be reasonable;

(c) In connection with the making of mortgage loans and commitments therefor to non-profit corporations which are eligible borrowers as defined in title five-A of article six of the social services law, to make and collect from such corporations such fees and charges, including but not limited to reimbursement of all costs of financing by the agency, service charges and insurance premiums, as the agency shall determine to be reasonable.

§ 8. Subdivision fifteen of section forty-four of such law, as amended by chapter eight hundred thirteen of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

15. (a) Subject to the approval of the commissioner and to the provisions of any contract with noteholders or bondholders, except with any holders of nursing home *project* bonds or notes *or youth facilities project bonds or notes*, whenever it deems it necessary or desirable in the fulfillment of the purposes of this article, to consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security, or any other term, of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the agency is a party, except such mortgages, mortgage loans, mortgage loan commitments, contracts or agreements as may have been entered into with nursing home companies *or non-profit corporations which are eligible borrowers as defined in title five-A of article six of the social services law*;

(b) Subject to the provisions of any contract with holders of nursing home project bonds or notes, whenever it deems it necessary or desirable in the fulfillment of the purposes of this article, to consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security, or any other term of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind between the agency and a nursing home company**[.]***;*

(c) Subject to the provisions of any contract with holders of youth facilities project bonds or notes, whenever it deems it neces-

sary or desirable in the fulfillment of the purposes of this article, to consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security, or any other term of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind between the agency and a non-profit corporation which is an eligible borrower pursuant to title five-A of article six of the social services law.

§ 9. Subdivision twenty-one of section forty-four of such law, as last renumbered by chapter three hundred twenty-one of the laws of nineteen hundred sixty-seven, is hereby renumbered to be subdivision twenty-two, and section forty-four of such law is hereby amended by adding thereto a new subdivision, to be subdivision twenty-one, to read as follows:

21. Subject to the approval of the commissioner of social services pursuant to the provisions of title five-A of article six of the social services law, to make mortgage loans to non-profit corporations which are eligible borrowers pursuant to the provisions of the aforesaid title five-A and to undertake commitments to make any such mortgage loans.

§ 10. Subdivisions one and two of section forty-seven of such law, as last separately amended by chapters three hundred fifty-nine and five hundred nineteen of the laws of nineteen hundred sixty-eight, are hereby amended to read, respectively, as follows:

1. (a) The agency shall create and establish a special fund (herein referred to as capital reserve fund), and shall pay into such capital reserve fund (1) any monies appropriated and made available by the state for the purposes of such fund, (2) any pro-

ceeds of sale of notes or bonds other than state university construction notes or state university construction bonds, equity notes or equity bonds, non-profit project notes or non-profit project bonds, nursing home project notes or nursing home project bonds, urban rental project notes or urban rental project bonds, health facilities notes or health facilities bonds, *youth facilities project notes or youth facilities project bonds* and mental hygiene improvement notes or mental hygiene improvement bonds, to the extent provided in the resolution of the agency authorizing the issuance thereof, and (3) any other moneys which may be made available to the agency for the purpose of such fund from any other source or sources. All moneys held in the capital reserve fund, except as hereinafter provided, shall be used solely for the payment of the principal of bonds of the agency other than state university construction bonds, equity bonds, non-profit project bonds, nursing home project bonds, urban rental project bonds, health facilities bonds, *youth facilities project bonds* and mental hygiene improvement bonds, as the same mature, the purchase of bonds of the agency other than state university construction bonds, equity bonds, non-profit project bonds, nursing home project bonds, urban rental project bonds, health facilities bonds, *youth facilities project bonds* and mental hygiene improvement bonds, the payment of interest on such bonds of the agency or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that monies in such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, nursing home project bonds, urban rental project bonds, health facilities bonds, *youth facilities project bonds* and mental hygiene improvement bonds, except for the purpose of paying principal of and interest on such bonds of the agency maturing and becoming due and for the payment of which other moneys of the agency are not available. Any income or interest earned by, or increment to, the capital reserve fund due to the investment thereof may be transferred by the agency to the general reserve fund or other fund of the agency to the extent it does not reduce the amount of the capital reserve fund below the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all such bonds of the agency then outstanding [then to be issued and on] other than state university construction bonds, equity bonds, non-profit project bonds, nursing home project bonds, urban rental project bonds, health facilities bonds, *youth facilities project bonds* and mental hygiene improvement bonds.

(b) The agency shall not issue bonds other than state university construction bonds, equity bonds, non-profit project bonds, nursing home project bonds, urban rental project bonds, health facilities bonds, *youth facilities project bonds* and mental hygiene improvement bonds at any time if the maximum amount of principal and interest maturing and becoming due in a succeeding calendar year on such bonds then to be issued and on all other bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, nursing home project bonds, urban rental project bonds, health facilities bonds, *youth facilities project bonds* and mental hygiene improvement bonds will exceed the amount of the capital reserve fund at the time of issuance unless the agency, at the time of issuance of such bonds, shall deposit in such fund from the proceeds of the bonds so to be issued, or otherwise, an amount which, together with the amount then in such fund, will be not less than the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on such bonds then to be issued and on all other bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, nursing home project bonds, urban rental project bonds, health facilities bonds, *youth facilities project bonds* and mental hygiene improvement bonds.

(c) The agency shall not issue bonds and notes other than state university construction bonds and state university construction notes, nursing home project bonds and nursing home project notes, health facilities bonds and health facilities notes, *youth facilities project bonds and youth facilities project notes and* mental hygiene improvement bonds and mental hygiene improvement notes for any of its corporate purposes in an aggregate principal amount exceeding two billion dollars, excluding bonds and notes issued to refund outstanding bonds and notes.

(d) To assure the continued operation and solvency of the agency for the carrying out of the public purposes of this article, provision is made in paragraph (a) of this subdivision for the accumulation in the capital reserve fund of an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, nursing home project bonds, urban rental project bonds, health facilities bonds, *youth facilities project bonds* and mental hygiene improvement bonds. In order further to assure such maintenance of the capital reserve fund, there shall be annually apportioned and paid to the agency for deposit in the capital reserve fund such sum, if any, as shall be certified by the chairman of the agency to the governor and director of the budget as necessary to restore the capital reserve fund to an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, nursing home project bonds, urban rental project bonds, health facilities bonds, *youth facilities project bonds* and mental hygiene improvement bonds. The chairman of the agency shall annually, on or before December first, make and deliver to the governor and director of the budget his certificate stating the amount, if any, required to restore the capital reserve fund to the amount aforesaid and the amount so stated, if any, shall be apportioned and paid to the agency during the then current state fiscal year.

(e) In computing the amount of the capital reserve fund for the purposes of this section, securities in which all or a portion of such fund shall be invested shall be valued at par or if purchased at less than par, at their cost to the agency.

2. The agency shall create and establish a special fund (herein referred to as general reserve fund) and shall pay into such fund all fees and charges collected by the agency pursuant to paragraph (a) of subdivision eleven of section forty-four of this article, or otherwise, other than fees and charges collected in connection with the making of mortgage loans (or commitments therefor) to mutual companies, non-profit companies, urban rental companies or community development corporations, and any monies which the agency shall transfer from the capital reserve fund pursuant to the provisions of paragraph (a) of subdivision one of this section. Such monies and any other monies paid into the general reserve fund may, in the discretion of the agency but subject to agreements with bondholders and noteholders, be used by the agency (a) for the repayment of advances from the state in accordance with the provisions of repayment agreements between the agency and the director of the budget, (b) to reimburse the division of housing and community renewal the reasonable costs of the services performed by the commissioner of housing and community renewal and division of housing and community renewal pursuant to section fifty-five of this article, (c) to pay all costs, expenses and charges of financing, including fees and expenses of trustees and paying agents, (d) for transfers to the capital reserve fund, (e) for the payment of the principal of and interest on bonds or notes other than state university construction bonds or state university construction notes, equity bonds or equity notes, non-profit project bonds or non-profit project notes, nursing home project bonds or nursing home project notes, urban rental project bonds or urban rental project notes,

health facilities bonds or health facilities notes, *youth facilities project bonds or youth facilities project notes* and mental hygiene improvement bonds or mental hygiene improvement notes issued by the agency when the same shall become due whether at maturity or on call for redemption and for the payment of any redemption premium required to be paid where such bonds or notes are redeemed prior to their stated maturities, and to purchase bonds or notes other than state university construction bonds or state university construction notes, equity bonds or equity notes, non-profit project bonds or non-profit project notes, nursing home project bonds or nursing home project notes, urban rental project bonds or urban rental project notes, health facilities bonds or health facilities notes, *youth facilities project bonds or youth facilities project notes* and mental hygiene improvement bonds or mental hygiene improvement notes issued by the agency, or (f) for such other corporate purposes of the agency as the agency in its discretion shall determine and provide.

§ 11. Section forty-seven of such law is hereby amended by adding thereto two new subdivisions, to be subdivisions ten and eleven to read, respectively, as follows:

10. (a) The agency may create and establish a special fund to be known as youth facilities capital reserve fund and may pay into such reserve funds (1) any monies appropriated and made available by the state for the purposes of such funds, (2) any proceeds of sale of youth facilities project notes or youth facilities project bonds, to the extent provided in the resolution of the agency authorizing the issuance thereof, and (3) any other monies *which may be made available to the agency for the purposes of such accounts from any other source or sources. The monies held in or credited to the capital reserve fund established under this subdivision except as hereinafter provided, shall be used solely for the payment of principal of youth facilities project bonds of the agency secured by such reserve fund, as the same mature, the purchase of such youth facilities project bonds of the agency, the payment of interest on youth facilities project bonds of the agency, or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that monies in any such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the youth facilities project bonds of the agency then outstanding and secured by such reserve fund, except for the purpose of paying principal and interest on youth facilities project bonds of the agency secured by such reserve fund maturing and becoming due and for the payment of which other monies of the agency are not available. Any income or interest earned by, or increment to, any such youth facilities capital reserve fund due to the investment thereof may be transferred to the youth facilities general reserve fund or other fund of the agency, to the extent it does not reduce the amount of such youth facilities capital reserve fund below the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all youth facilities project bonds of the agency then outstanding and secured by such reserve fund.*

(b) The agency shall not issue youth facilities project bonds and notes in an aggregate principal amount exceeding fifty million dollars excluding youth facilities project bonds and youth facilities project notes issued to refund outstanding youth facilities project bonds and youth facilities project notes, nor shall it issue youth facilities project bonds at any time if the maximum amount of principal and interest maturing and becoming due in a succeeding calendar year on the youth facilities project bonds outstanding and then to be issued and secured by the youth facilities capital reserve fund will exceed the amount of such reserve fund at the time of issuance, unless the agency, at the time of issuance of such bonds, shall deposit in such reserve fund from the proceeds of the bonds so to be issued, or otherwise, an amount which together with the amount then in such reserve fund, will be not less than the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the youth facilities project bonds then to be issued and on all other youth facilities project bonds of the agency then outstanding and secured by such reserve fund.

(c) To assure the continued operation and solvency of the agency for the carrying out of the public purposes of this article provision is made in paragraph (a) of this subdivision for the accumulation in the youth facilities capital reserve fund of an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all youth facilities project bonds of the agency then outstanding and secured by such reserve fund. In order further to assure the maintenance

of such youth facilities capital reserve fund, there shall be annually apportioned and paid to the agency for deposit in such youth facilities capital reserve fund such sum, if any, as shall be certified by the chairman of the agency to the governor and director of the budget as necessary to restore such reserve fund to an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the youth facilities project bonds of the agency then outstanding and secured by such reserve fund. The chairman of the agency shall annually, on or before December first, make and deliver to the governor and director of the budget his certificate stating the sums, if any, required to restore such youth facilities capital reserve fund to the amount aforesaid, and the sums so certified, if any, shall be apportioned and paid to the agency during the then current state fiscal year.

(d) In computing any youth facilities capital reserve fund for the purpose of this section, securities in which all or a portion of such reserve fund shall be invested shall be valued at par, or if purchased at less than par, at their cost to the agency.

11. The agency shall create and establish a special fund (herein referred to as the youth facilities general reserve fund) and shall pay into such fund all fees and charges collected by the agency pursuant to paragraph (c) of subdivision eleven of section forty-four of this article and any monies which the agency shall transfer from the youth facilities capital reserve fund pursuant to the provisions of paragraph (a) of subdivision ten of this section. Such monies and any other monies paid into the youth facilities general *reserve fund may, in the discretion of the agency, but subject to agreements with bondholders and noteholders, be used by the agency (a) for the repayment of advances from the state in accordance with the provisions of repayment agreements between the agency and the director of the budget, (b) to reimburse the department of social services the reasonable costs of the services performed by the commissioner of social services and the department of social services pursuant to subdivision four of section fifty-five of this article, (c) to pay all costs, expenses and charges of financing, including fees and expenses of trustees and paying agents, (d) for transfers to the youth facilities capital reserve fund, (e) for the payment of principal of and interest on youth facilities project bonds and notes issued by the agency when the same shall become due whether at maturity or on call for redemption and for the payment of any redemption premium required to be paid where such youth facilities project bonds and notes are redeemed prior to their stated maturities and to purchase youth facilities project bonds or notes issued by the agency, or (f) for such other corporate purposes of the agency as the agency in its discretion shall determine and provide.*

§ 12. Section fifty-five of such law, as last amended by chapter eight hundred thirteen of the laws of nineteen hundred sixty-six, subdivision two thereof having been last amended by chapter eight hundred forty-eight of the laws of nineteen hundred sixty-eight, is hereby amended to read as follows:

§ 55. Assistance by state officers, departments, boards and commissions. 1. The department of audit and control, department of law, commissioner of housing and division of housing, and all other state officers, departments, boards, divisions and commissions may render such services to the agency within their respective functions as may be requested by the agency.

2. The commissioner of housing and the division of housing are hereby designated to act for and in behalf of the agency in servicing the mortgage loans and equity loans of the agency, except mortgage loans made to nursing home companies *or to non-profit corporations which are eligible borrowers as defined in title five-A of article six of the social services law,* and in leasing and subleasing dwellings in projects and multiple dwellings pursuant to the provisions of section forty-four-a of this article, and shall perform such functions and services in connection with the making, servicing and collection of such loans and the leasing and subleasing of such dwellings as shall be requested by the agency. The agency shall pay to the division of housing from any monies of the agency available for such purpose, such amounts as are necessary to reimburse the division of housing for the reasonable costs of the services performed by the commissioner of housing and division of housing pursuant to this section.

3. The state commissioner of health and the state department of health are hereby designated to act for and in behalf of the agency in servicing the nursing home company mortgage loans of the agency and shall perform such functions and services in connection with the making, servicing and collection of such loans as shall be requested by the agency. The agency shall pay to the department of health from any monies of the agency available for such purpose,

such amounts as are necessary to reimburse the department of health for the reasonable cost of the services performed by the commissioner of health and department of health pursuant to this section.

4. The state commissioner of social services and the state department of social services are hereby designated to act for and in behalf of the agency in servicing the day care center mortgage loans of the agency and shall perform such functions and services in connection with the making, servicing and collection of such loans as shall be requested by the agency. The agency shall pay to the department of social services from any monies of the agency available for such purpose, such amounts as are necessary to reimburse the department of social services for the reasonable cost of the services performed by the commissioner of social services and department of social services pursuant to this section.

§ 13. The state finance law is hereby amended by adding thereto a new section, to be section ninety-seven-k, to read as follows:

§ 97-k. Youth facilities management fund. 1. There is hereby established in the custody of the state comptroller a special account to be known as the "youth facilities management fund."

2. All monies payable to the state commissioner of social services from non-profit corporations which are eligible borrowers as defined in title five-a of article six of the social services law or from any other source in relation to the provisions and purposes of title five-a of article six of the social services law shall be deposited to the credit of such fund.

3. Monies of the fund, when allocated, shall be available generally for costs and expenses of the commissioner of social services in per-

formance of his powers and functions as set forth in the provisions of title five-a of article six of the social services law.

4. Notwithstanding the provisions of any general or special law, no monies shall be available from the fund until a certificate of allocation and a schedule of amounts to be available therefor shall have been issued by the director of the budget, and a copy of such certificate filed with the comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

5. The monies, when allocated, shall be paid out of the fund on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of social services or his duly designated officer.

§ 14. The youth facilities project guarantee fund act is hereby enacted, to read as follows:

YOUTH FACILITIES PROJECT GUARANTEE FUND ACT

Section 1. Short title.
2. Statement of legislative findings and purposes.
3. Definitions.
4. Youth facilities project guarantee fund.
5. Powers and duties.
6. Loan guarantee account.
7. Operating and maintenance account.

8. Guarantee of loans to lending institutions.

9. Guarantee of loans to the New York state housing finance agency.

10. Conditions for the guarantee of loans by the fund.

11. Limitation of liability.

12. Designation and service of process on secretary of state and registered agent.

Section 1. Short title. This act shall be known and may be cited and referred to as the "youth facilities project guarantee fund act."

§ 2. Statement of legislative findings and purposes. There is a serious shortage throughout the state of facilities suitable for use for the care of children of pre-school and primary school age whose parents are unable to provide such care for all or a substantial portion of the day or post-school day. Existing facilities are overcrowded with long waiting lists. Many such facilities are so located that they are not accessible to families in need of such services. The absence of adequate day care facilities is contrary to the interest of the people of the state, is detrimental to the health and welfare of the child and his parents, and prevents the gainful employment of persons who are otherwise qualified because of the need to provide such care in their homes during the day-time hours.

In order to encourage the timely construction of such facilities, the legislature hereby finds and declares that a public benefit corporation, to be known as the "youth facilities project guarantee fund", should be created for the purpose of guaranteeing loans made by the New York state housing finance agency and by lending institutions for the purpose of causing day care centers to be *constructed, reconstructed, rehabilitated, improved and equipped as provided herein.*

§ 3. Definitions. 1. "Day care center" means a facility suitable for the care of children of pre-school age or primary school age, or both, during all or a substantial portion of the day or post-school day which has been approved by the state department of social services.

2. "Day care center project" means a project of an eligible borrower undertaken pursuant to the provisions of title five-A of article six of the social services law.

3. "Fund" means the youth facilities project guarantee fund created by section four of this act.

4. "Lending institution" means the original lender under the loan agreement of participants therein and its successors and assigns, and may include a banking institution, insurance company, foundation, labor union, employers' association, trustees, fiduciaries or any combination of the foregoing.

5. "Housing finance agency" means the New York state housing finance agency created by article three of the private housing finance law.

§ 4. Youth facilities project guarantee fund. 1. There is hereby created the "youth facilities project guarantee fund". The fund shall be a corporate governmental agency, constituting a public benefit corporation. Its membership shall consist of the commissioner of social services, the superintendent of banks and the director of the budget. The commissioner of social services shall serve as chairman and chief executive officer. The members of the fund

shall serve without salary but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of services rendered pursuant to this act.

2. The powers of the fund shall be vested in and exercised by no less than two members thereof.

3. The fund and its corporate existence shall continue until terminated by law, which law shall provide for the disposition of the properties and assets of the fund and the assumption of its liabilities, if any. In no event shall such law take effect while guarantees or other obligations of the fund are outstanding, unless adequate provision is made in such law for the liquidation, satisfaction or securing of such obligations.

4. The New York state housing finance agency, the department of social services, the department of education, the department of health, the department of audit and control and the department of law and all other state officers, departments, boards, divisions and commissions may render such services to the fund within their respective functions as may be requested by the fund.

§ 5. Powers and duties. Except as otherwise limited by this article, the fund shall have power:

1. To sue and be sued;

2. To have a seal and alter the same at pleasure;

3. To make and execute contracts and all other instruments necessary and convenient for the exercise of its powers and functions pursuant to this act;

4. To make and alter by-laws for its organization and internal management and to make rules and regulations governing the use *of its property and facilities, which rules and regulations shall be filed with the department of state in the manner provided by section one hundred two of the executive law;*

5. To acquire, hold and dispose of personal property for its corporate purposes;

6. To appoint officers, agents and employees, prescribe their duties and fix their compensation;

7. To invest any monies held in reserve of sinking funds, or any monies not required for immediate use or disbursement, at the discretion of the fund, in obligations of the state or the United States government or obligations, the principal and interest of which are guaranteed by the state or the United States government;

8. To guarantee the repayment of loans to a lending institution that has provided the funding for the construction, reconstruction, rehabilitation or improvement of a day care center, as defined herein, not to exceed eighty percentum of the amount of such loan, upon such terms and conditions as the fund may prescribe, and for such purposes, the fund may enter into such agreement or agreements with such lending institution or other persons as required;

9. To guarantee the repayment of loans to the New York state housing finance agency where the agency has made a mortgage loan to an eligible borrower for the construction, reconstruction, rehabilitation, improvement or equipment of a day care center project pursuant to title five-A of article six of the social services law, not to exceed the principal amount of such loan, together with interest thereon, upon such terms and conditions as the fund may prescribe, and for such purposes, the fund may enter into such agreement or agreements with the agency or other persons as required;

10. Subject to the provisions of any agreement between the New York state housing finance agency and noteholders and bondholders, to acquire, purchase, manage and operate, hold and dispose of real and personal property, take assignments of rentals and leases and make and enter into all contracts, leases, agreements and arrangements necessary or incidental to the performance of its duties when it may become desirable for the fund to safeguard itself from losses;

11. To make and collect fees and charges, including premiums for the guarantee of loan repayments;

12. To procure insurance against any loss in connection with its property and other assets in such amounts, and from such insurers as it deems desirable;

13. Subject to the provisions of any agreement between the New York state housing finance agency and noteholders and bondholders, to consent to the modification with respect to rate of interest, time of payment or any installment of principal or interest, security or any other term of any mortgage, mortgage loan, commitment, contract or agreement of any kind to which the fund is a party;

14. To accept any gifts or grants or loans of funds or property or financial aid in any form from the federal government or any agency or instrumentality thereof or from the state or from any other source and to comply, subject to the provisions of this act, with the terms and conditions thereof.

15. To engage the services of private consultants on a contract basis for tendering professional and technical assistance and advice;

16. To do any and all things necessary or convenient to carry out its purposes and exercise the powers expressly given and granted in this act.

§ 6. Loan guarantee account. The fund shall establish a loan guarantee account in the custody of the commissioner of taxation and finance, who shall not commingle the monies in such account with any other monies. There shall be paid into such account all monies appropriate and made available by the state for the purposes of this account together with all other receipts of the fund, other than receipts allocated for the payment of current operating expenses. There shall be charged to such account all payments required by loan defaults.

§ 7. Operating and maintenance account. The fund shall establish an operating and maintenance account in the custody of the state commissioner of taxation and finance, who shall not commingle the monies in such account with any other monies. There shall be paid into such account all monies appropriate and made available by the state for the purposes of this account, together with those receipts of the fund allocated for the payment of current operating expenses. There shall be charged to such account all operating expenses of the fund, including but not limited to salaries, wages, rents, utility charges, office supplies and equipment.

§ 8. Guarantee of loans to lending institutions. The fund is authorized to guarantee repayments of a loan made by a lending institution, as defined herein, not to exceed eighty per centum of the principal amount of the obligation, upon such terms and conditions as the fund may prescribe.

The fund shall arrange by contract with a lending institution or the borrower to safeguard the interests of the fund in the event of a default by the borrower, including at the discretion of the fund, *provision for notice to the fund of default by the borrower, for foreclosure or other realization upon any security for the loan, for the time and conditions for payment to the lending institution by the fund of the amount of any loss to the lending institution guaranteed by the fund and for the disposition of the proceeds realized from any security for the loan guaranteed. When it appears desirable for a temporary period upon default or threatened default by the borrower, the fund may itself make payments of installments of principal or interest or both, to the lending institution, and of taxes and insurance which payments shall be repaid under such conditions as the fund may prescribe and the fund may also agree to revised terms of financing when such appear prudent.*

Upon request of the lending institution, the fund may at any time, under such equitable terms and conditions as it may prescribe, consent to the release of the borrower from his liability under the loan or consent to the release of parts of any secured prior from the lien of the lending institution.

§ 9. Guarantee of loans to the New York state housing finance agency. The fund is hereby authorized to enter into agreements with the New York state housing finance agency to guarantee the principal and interest on any mortgage loan made by the agency to an eligible borrower pursuant to the provisions of title five-A of article six of the social services law for the purpose of constructing a day care center project. Such agreement shall provide for the payment of principal, interest or principal and interest upon certification by the agency to the fund that an eligible borrower has failed to make such payment on the date required by

the mortgage of the agency or by any resolution of the agency authorizing the issuance of notes or bonds for the purpose of funding the mortgage loan to the eligible borrower. Upon receipt of any such certification, the fund shall make the payment requested out of any monies available to the fund by appropriation or otherwise within thirty days. The fund may require the agency and the state department of social services to take such action as the fund shall deem appropriate against the eligible borrower in order to obtain repayment of the monies advanced by the fund as provided herein.

§ 10. Conditions for the guarantee of loans by the fund. Prior to entering into any agreement for the guarantee of a loan made by a lending institution or by the New York state housing finance agency, as provided in sections eight and nine of this act, the fund shall obtain a certificate of approval of availability issued by the director of the budget in an amount no less than ten per centum of the amount of the loan to be guaranteed. A copy of any such certificate shall be filed with the state comptroller, chairman of the senate finance committee and the chairman of the assembly ways and means committee. Upon entering into any guarantee agreement, the fund shall request the state comptroller to encumber on its books the amount made available pursuant to such certificate of approval of availability. In the event that payment is made out of any monies so encumbered on account of any default in a guaranteed loan, the fund shall forthwith request the director of the budget to issue a further certificate of approval of availability in an amount sufficient to restore the encumbrance

to ten per centum of the amount of loan. The fund may from time to time request the state comptroller to adjust the encumbrance, upon certification to the director of the budget and the lending institution or the New York state housing finance agency, as the case may be, that it has set aside monies in its loan guarantee account in an amount sufficient in whole or in part to secure its guarantee, as provided herein.

Prior to entering into any agreement for the guarantee of a loan made by a lending institution or the New York state housing finance agency, the fund may request the lending institution or the agency to submit an estimate schedule of payments to become due while the loan is outstanding and to provide such other documentation or information as it may deem necessary or appropriate.

§ 11. Limitation of liability. Neither the directors nor any officer or employee of the fund, while acting within the scope of his authority, shall be subject to any personal liability resulting from the activities of the fund.

§ 12. Designation and service of process on secretary of state and registered agent. The directors of the fund shall file with the secretary of state a certificate setting forth the street address and the city and county in which the principal office of the fund is located within ten days of the establishment of such office. The secretary of state shall note such address upon his records. The provisions of sections three hundred four, three hundred five and three hundred six of the business corporation law shall be applicable to the fund.

§ 15. Section seventy-seven of the general municipal law, as last amended by chapter fourteen of the laws of nineteen hundred sixty-five, is hereby amended to read as follows:

§ 77. Leases of public buildings to posts of veteran organizations, [and] organizations of volunteer firemen, *and child care agencies. 1.* A municipal corporation may lease, for not exceeding five years, to a post or posts of the Grand Army of the Republic, Veterans of Foreign Wars of the United States, American Legion, Catholic War Veterans, Inc., Disabled American Veterans, the Army and Navy Union, U.S.A., Marine Corps League, AMVETS, American Veterans of World War II, Jewish War Veterans of the United States, Inc., Italian American War Veterans of the United States, Incorporated, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., Polish-American Veterans of World War II, Amsterdam, N.Y., Inc., Polish-American Veterans of World War II, Schenectady, N.Y., Inc., Polish Legion of American Veterans, Inc., or other veteran organization of honorably discharged members of the armed forces of the United States or to an incorporated organization or an association of either active or exempt volunteer firemen, a public building or part thereof, belonging to such municipal corporation, except schoolhouses in actual use as such, without expense, or at a nominal rent, fixed by the board or council having charge of such buildings and provide furniture and furnishings, and heat, light and janitor service therefor, in like manner.

2. A municipal corporation may lease to a non-profit corporation organized under the laws of the state of New York which is authorized to care for children and which is subject to the visitation, inspection and supervision of the state board of social welfare a public building or part thereof belonging to such municipal corporation, without expense or at a nominal rent, fixed by the board or council having charge of such buildings, and provide furniture and furnishings and heat, light and janitor service therefor, in like manner.

§ 16. Inconsistent provisions of other laws superseded. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general, special or local, the provisions of this act shall be controlling.

§ 17. Assistance and cooperation of state agencies. The departments of education and health may render such services to the department of social services within their respective functions as may be requested by the department of social services in the administration of the provisions of title five-A of the social services law.

§ 18. Construction. This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed so as to effectuate its purposes.

§ 19. Separability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 20. The sum of one million dollars ($1,000,000), or so much thereof as may be necessary, is hereby appropriated to the youth facilities project guarantee fund, created by section fourteen of this act, out of any moneys in the state treasury in the general fund to the credit of the state purposes fund not otherwise appropriated, for the purposes of its loan guarantee account.

§ 21. This act shall take effect the first day of September, nineteen hundred sixty-nine, except that the commissioner and the department of social services, the director of the budget, the superintendent of banks, and the New York state housing finance agency are authorized to take such steps as may be necessary to enable this act to become fully effective on such date.

Chap. 278 - Effective 4/1/70 (Seed Money Loan Fund)
increases appropriation for development fund - funds: $2,000,000

STATE OF NEW YORK

8385

IN SENATE

February 17, 1970

Introduced by Messrs. MARINO, ADAMS, CONKLIN, DAY, FLYNN, HUDSON, KNORR, LANGLEY, LENT, NILES, ROLISON—read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT

To amend the social services law, in relation to establishing the youth facilities development fund, providing for technical and advisory services for the development of youth facilities, and making an appropriation for such fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (h) of subdivision three of section thirty-four of the social services law, as added by chapter two hundred eighty-one of the laws of nineteen hundred sixty-four, is hereby relettered to be paragraph (i) and a new paragraph to be paragraph (h) is hereby added thereto to read as follows:

(h) provide technical assistance, advisory and consultative services to business, industry and labor to encourage their sponsorship of day care centers.

§ 2. Section four hundred ten-e of such law is hereby amended

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

by adding thereto a new subdivision, to be subdivision eight, to read as follows:

8. "Youth facilities development fund company". A company incorporated and organized pursuant to subdivision two of section four hundred ten-n of this title.

§ 3. Section four hundred ten-n of such law, as added by chapter ten hundred thirteen of the laws of nineteen hundred sixty-nine, is hereby relettered to be section four hundred ten-o and a new section, to be section four hundred ten-n, is hereby added thereto, to read as follows:

§ 410-n. Youth facilities development fund. 1. Establishment of fund. a. There is hereby created and established in the department of social services a revolving fund to be known as the "youth facilities development fund."

b. There shall be paid into such youth facilities development fund (a) any monies appropriated and made available by the state for the purposes of such fund, (b) notwithstanding the provisions of the state finance law or any other provision of law, any monies which the department of social services shall receive in repayment of advances made from the fund, and (c) any other monies which may be made available to the department of social services for the purposes of such fund from any other source or sources.

c. Any monies held in such youth facilities development fund not required for immediate disbursement may be invested, at the discretion of the commissioner, in obligations of the state or the United States government or obligations the principal and interest of which are guaranteed by the state or the United States government.

Any income or interest earned by, or increment to, such youth facilities development fund shall be added to the monies held in such fund for the purposes herein provided.

2. A youth facilities development fund company shall be incorporated pursuant to the provisions of the membership corporations or not-for-profit corporation law and this title.

In addition to those matters required to be set forth in the certificate of incorporation by the membership corporations law or the not-for-profit corporations law, the certificate shall state:

incorp.

(a) that the corporation has been organized exclusively to plan and develop a day care center and facilities incidental and appurtenant thereto but such corporation may not operate a day care center or engage in any activities requiring the approval of the state board of social welfare.

(b) that all income and earnings of the corporation shall be used exclusively for its corporate purposes and that no part of the net income or net earnings shall inure to the benefit or profit of any private individual, firm, corporation or association.

(c) that if the company receives a temporary loan or advance from the youth facilities development fund, it shall be authorized to enter into an agreement with the commissioner, which agreement shall provide:

(i) that the company will maintain books and records and a system of accounts satisfactory to the commissioner and the company agrees that all of its books, records and accounts shall be open to examination by the commissioner at any time;

(ii) that the company shall file with the commissioner such

financial statements as the commissioner may require;

(iii) that the company shall not acquire any real property or interest therein without first having obtained the written consent of the commissioner;

(iv) that the company shall not issue notes, bonds, debentures or other obligations other than for money or property actually received for the use and lawful purpose of the company;

(v) that the company will not dispose of real property or other assets without having first obtained the written consent of the commissioner;

(vi) that the company will not voluntarily dissolve until all advances made from the fund pursuant to this article have been repaid.

The Secretary of State shall not file a certificate of incorporation of any such company or any amendment thereto unless the consent of the commissioner is affixed thereon or attached thereto.

3. Advances: conditions; repayment. a. The commissioner is hereby authorized to use the monies held in the youth facilities development fund to make non-interest bearing advances to youth facility development fund companies. Such monies shall be paid out of such fund, after audit by and upon the warrant of the comptroller, on vouchers approved by the commissioner.

b. No such advances may be made unless the commissioner reasonably anticipates that a mortgage loan from the New York state housing finance agency or a guarantee from the youth facilities project guarantee fund will be obtained and makes a finding to such effect. Such finding shall be conclusive evidence of the facts *therein contained except upon proof of fraud or willful misfeasance.*

c. The proceeds of such advances shall be used only to defray the development costs of such day care centers. The "development costs" means the costs approved by the commissioner as appropriate expenditures which may be incurred prior to the initial advance of the proceeds of a New York state housing finance agency mortgage or the proceeds of a loan guaranteed by the youth facilities project guarantee fund, including but not limited to: (a) payments for options to purchase properties for the proposed day care center, deposits on contracts of purchase or, where the commissioner finds that the timely acquisition of such property is essential for the continued planning and development of the day care center, for the purchase of such property; (b) legal and organizational expenses, including payment of attorneys' fees, necessary staff salaries, office rent and other incidental expenses; (c) payment of fees and expenses for preliminary surveys, reports and feasibility studies, advances for planning, engineering and architectural work; and (d) such other expenses incurred by such company as the commissioner may deem appropriate to effectuate the purposes of such youth facilities development fund company.

d. If an eligible borrower or other borrower constituting a successor in interest to the youth facilities development fund company obtains a mortgage loan from the New York state housing finance agency or a loan guaranteed by the youth facilities project guarantee fund, each such advance shall be repaid in full by such eligible borrower or other borrower to the department of social *services concurrently with receipt by the eligible borrower or other borrower of the first proceeds of such loan.*

e. If the commissioner in his discretion shall, at any time, determine that a loan from the New York state housing finance agency or from a lending institution may not be obtained, or that any advance made pursuant to this section is in jeopardy of not being repaid or that the proposed day care center for which such advance was made is in jeopardy of not being constructed, then and in any such event all advances made to the youth facilities development fund company from the youth facilities development fund shall be deemed due and payable by the company upon the demand of the commissioner. The commissioner shall have the power, in his discretion, in order to effectuate the purposes of this paragraph, to appoint to the board of directors of the company a number of new directors, which number shall be sufficient to constitute a majority of such board. Directors so appointed need not be members nor meet any other of the qualifications which may be prescribed by the certificate of incorporation or by-laws. In the absence of fraud or bad faith, the directors so appointed shall not be liable for the debts, obligations or liabilities of the company.

4. Advisory and other services. The commissioner is hereby authorized to provide to youth facilities development fund companies and other persons, associations, and corporations such advisory, consultative and training services as will assist them to become eligible borrowers from the New York state housing finance agency or to obtain a guarantee from the youth facilities project guarantee fund. Such services may include but are not necessarily *limited to technical and professional planning assistance, the preparation and promulgation of organizational, planning and development outlines and guides, consultation services, training courses, seminars and lectures, the preparation and dissemination of newsletters and other printed materials, and the services of field representatives.*

5. Examination by comptroller. The comptroller, or his legally authorized representative, is hereby authorized and empowered to examine the books and accounts of the department of social services relating to the youth facilities development fund, and from time to time, until the advances have been repaid to the youth facilities development fund, to examine the books and accounts of each youth facilities development fund company receiving such advances, including its receipts, disbursements, contracts, leases, loans, and any other monies relating to its financial operation.

§ 4. The sum of two million dollars ($2,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of social services out of any monies in the state treasury in the general fund to the credit of the state purposes fund not otherwise appropriated, for the purpose of funding the youth facilities development fund established by this act.

§ 5. This act shall take effect immediately, except that section four thereof shall take effect on April first, nineteen hundred seventy.

ARTICLE 45 GENERAL PROVISIONS GOVERNING DAY CARE SERVICES, SCHOOLS AND CHILDREN'S INSTITUTIONS

Section

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Introductory Notes

Article 45 covers some of the subject matter presently contained in S.C. §§198, 200 and 203 and the Regulations thereunder. Numerous provisions of S.C. §§198, 200 and 203 and Regulations which imposed similar requirements for day care agencies, schools and shelters have been combined in this article to apply to all three types of institutions, thereby avoiding much duplication and needless inconsistencies contained in the prior code. With only a few relatively minor substantive changes, it was possible in many instances to arrive at a single standard for day care services, schools and children's institutions. In those instances where, by reason of differences among the kinds of establishments covered it was not feasible to arrive at a single standard, the provisions separately applicable to day care services, schools and children's institutions were placed in the respective articles (47, 49 and 51) dealing with the kind of establishment involved. Note, however, that Article 45 does not apply to family day care which is regulated by Article 53.

Some of the important changes are as follows. Day care service is defined so that a group does not become such a service until there are six or more, instead of four or more, children enrolled. The care of fewer than six unrelated children is governed by Article 53. A group which meets for less than five hours a week or which operates for less than one month a year is not, by definition, a day care service and is not regulated under this article. The term "children's institution" is used instead of "shelter" and the definition is expanded to include institutions giving care to children who are maintained on a permanent basis, rather than merely on a temporary basis as in the prior code. The provisions governing the use of rooms in cellars and basements are made uniform and are clarified. The lighting provisions are expanded by the adoption of higher lighting standards based upon a foot-candle requirement for various kinds of activities; the new standards are applicable only to new construction and, when possible, to renovated premises. A single heating standard is adopted as well as a common provision governing drinking water. Numerous differences in the prior requirements governing the use of lavatories by children of different sexes, and concerning the height of the partitions between toilets are eliminated; because the needs of day care services, schools and children's institutions in regard to the number of toilets required in each are necessarily different, however, the required numbers are specified in Articles 47, 49 and 51. All of the institutions regulated will have to comply, in serving or storing food, with the provisions of Articles 81, Food Handling and Food Establishments, and 87, Restaurants and Other Eating Places. Compliance with these articles will not impose any major obligations on such institutions which have not had to be met before.

§45.01 Definitions

When used in this article and in Articles 47, 49 and 51:

(a) Day care service means any service which during all or part of the day regularly gives care to six or more children, not of common parentage, who are under six years of age, whether or not the care is given for compensation, whether or not it has a stated educational purpose, and whether the service is known as a child care center, day nursery, day care agency, nursery school, kindergarten, play school, progressive school or by any other name. The total number of children receiving care shall be counted, including children or foster children of the owner or person in charge, in determining the applicability of this definition. The term day care service shall not, however, include a service which gives care to children for five hours a week or less or a service which operates for one month a year or less.

(b) School means a public or private elementary or junior high school where more than six children are received for instruction, but does not include a day care service attached to an elementary or junior high-school.

(c) Children's institution means a place, other than a boarding home or children's hospital, where, for compensation or otherwise, six or more children, not of common parentage and under 16 years of age are received for day and night care apart from their parents or guardians.

NOTES: Subsection (a), day care service, is derived from S.C. §198(2).

The minimum number of children necessary to constitute a day care service is raised from four to six. The care of fewer than six children is regulated by Article 53, Family Day Care. Since recent studies have shown that family day care is preferable for children under two years of age, such children cannot be admitted to a day care service (see sections 47.07(a) and 53.03).

The term "day care service" replaces "day care agency" since the former is more accurately descriptive. The definintion of "day care service" is broader than the definintion of "day care agency" in S.C. §198(2)(b). The latter did not include the private person who cared for six or more children in his own home with his own child a member of the group, or the private person who ran a group without remuneration; both of these are included under the definition of "day care service" in this subsection.

The words "regularly gives care" and the last sentence are added so as to exclude from coverage Sunday schools, groups meeting for occasional outings, dance or music classes meeting for short periods of time, summer groups operating for less than one month, and persons who may occasionally care for a neighbor's children.

Subsection (b), school, is new and replaces the definition found in S.C. §200(3). The definition reflects the long established administrative interpretation of S.C. §200(3) which included junior high schools.

Subsection (c), children's institution, is in part derived from S.C. §203(2) where "shelter" was defined. The difference between a shelter as defined in S.C. §203(2) and a children's institution as here defined is that in the former children were received for care for a period not exceeding three months, while the new definition includes institutions providing long term as well as short term care. Boarding homes and children's hospitals are excluded from coverage.

§45.03 Statement of policy; scope of Article 45

(a) It is hereby recognized that other State and City agencies, including among others, the Board of Education, the State Department of Social Welfare, and the State Department of Health, have important functions in areas relating to the health and welfare of children. The Department shall, therefore, as far as possible, administer the provisions of Articles 45 through 51 of this Code with due regard to the duties and responsibilities of such other agencies, and shall, as far as possible, coordinate its activities with theirs. The provisions of these articles are not intended and shall not be construed to interfere with the teaching of religion. It is further recognized that experimentation and the testing of new ideas are of great importance in raising standards relating to day care services, schools and children's institutions. The provisions of Articles 45 through 51 of this Code shall not be interpreted to favor any specific doctrine of child care or early childhood education, but shall be applied so as to permit experimental programs of all kinds consistent with the health, safety and welfare of children.

(b) The provisions of Article 45 of this Code shall apply to day care services, schools and children's institutions and the provisions of section 45.09(b), (c) and (d) shall also apply to public and private high schools.

NOTES: This section is new.

§45.05 Copy of Code to be kept and made available

The person in charge of a day care service, school or children's institution shall keep a copy of this Code and shall make it available to all personnel.

NOTES: This section is derived from S.C. §200 Reg. 4(part) and §203 Reg. 2(f) but is expanded to require a copy of the full Code to be kept.

§45.07 Admissions

A child who has not been successfully vaccinated against smallpox when there are no medical contraindications shall not be admitted to a day care service, school or children's institution, except that if his parents or guardians consent in writing to a vaccination to be given upon admission, such child may be admitted and vaccinated without undue delay.

NOTES: This section is derived from S.C. §198 Reg. 6(c)(part), §200 Reg. 20(a) and §203 Reg. 20(c)(part). The reference to medical contraindications is derived from S.C. §198 Reg. 6(c). The reference to admission upon parental consent to vaccination is derived from S.C. §203 Reg. 20(c) and §198 Reg. 6(c). The inclusion of the clause on medical contraindications and parental consent is not inconsistent with Public Health Law §2130(1) which has no similar exceptions; all children who do not present medical contraindications will be vaccinated either before or upon admission.

The requirement for vaccination imposed by the State Public Health Law has been held constitutional and the parents of unvaccinated children who were excluded from school have been convicted of failing to send their children to school as required by the Education Law, *Viemeister v. State*, 179 N.Y. 235, 72 N.E. 97 (1904); *People v. Ekerold*, 211 N.Y. 386, 105 N.E. 670 (1914); *Shappee v. Curtis*, 142 App. Div. 155, 127 N.Y.S. 33 (3rd Dept. 1911); *People v. McIlwain*, 151 N.Y.S. 366 (Delaware County Court 1915); *In re Whitmore*, 47 N.Y.S. 2d 143 (Dom. Rel. Ct. 1944). See also: *Jacobson v. Massachusetts*, 197 U.S. 11 (1905) and *Zucht v. King*, 260 U.S. 174 (1922).

The provisions of S.C. §198 Reg. 6(a) and §200 Reg. 20(b) pertaining to the exclusion of children who have frequent epileptic seizures or who are mental defectives or deficients have been omitted as undesirable.

§45.09 Staff

(a) Constant and competent supervision by an adequate staff shall be maintained for all children in a day care service, school or children's institution. No child or group of children shall be unsupervised at any time.

(b) The owner or person in charge of a day care service, school or children's institution or public or private high school shall not permit an employee to work when he is required to be excluded pursuant to section 11.63. After having a communicable disease, a person in charge, teacher or any other person who associates with children shall not return to work until:

(1) He presents a certificate of recovery issued by the Department, if he was a case of tuberculosis, a case or carrier of typhoid or paratyphoid A or B fever, or a case, carrier or household contact of diphtheria or smallpox; or,

(2) After the period of isolation, if he was a case of measles, mumps, German measles, chicken pox, whooping cough, streptococcal sore throat including scarlet fever, meningitis or poliomyelitis; or,

(3) He presents a certificate of recovery issued by the Department or a physician's written statement, if he was a case or carrier of any other disease reportable pursuant to section 11.03. The statement shall indicate that he is free from disease in communicable form and that the period of isolation or exclusion required by Article 11 has ended.

(c) A person in charge, teacher, volunteer worker or any other person who regularly associates with children shall not be permitted to work in a day care service, school, children's institution, or public or private high school, unless a tuberculin test and/or X-ray examination of his chest is made before he begins employment and thereafter at such intervals as may be prescribed by the Department as necessary for the protection of children, subject to the following conditions:

(1) The X-ray film shall either be taken by the Department or by a private physician. After an X-ray film is taken by a private physician, a report containing an interpretation of such film shall be properly identified and submitted to the Department together with certificates on forms furnished by the Department. When, in the opinion of the Department, the reported interpretation of an X-ray film is unsatisfactory or discloses a condition which cannot properly be evaluated on a single X-ray, the person to whom the X-ray film relates shall be further X-rayed and, if the Department requires, shall be given further periodic medical and laboratory examinations.

(2) The tuberculin test shall be administered and interpreted either by the Health Department or by a private physician. If the tuberculin test shall be administered and interpreted by a private physician, it shall be administered and interpreted in accordance with such criteria as may be established by the Department to insure the accuracy of the results of such test. If the person does not react to the tuberculin test, X-ray examination will not be necessary at that required time. If the person reacts to the tuberculin test, he shall be X-rayed and be given further examinations in accordance with the provisions of paragraph (1) of this subsection.

(3) If the person does not react to a tuberculin test or a satisfactory X-ray film has been taken or a satisfactory X-ray report has been received by the Department, a certificate of compliance shall be issued by the Department and kept on file by the day care service, school, children's institution, or public or private high school so long as the person is employed and two years thereafter.

(d) No person in charge, teacher or other person who regularly associates with children shall be permitted to work in a day care service, school, children's institution, or public or private high school unless he is healthy and capable of carrying out the responsibilities of his job.

(e) All employees, whether or not they are directly concerned with the care of children, shall be regularly instructed in the protection of children during emergencies such as accidents, fires or air raids.

NOTES: Subsection (a) is derived without substantive change from S.C. §§198 Reg 8(a) (part), 200 Reg. 19(e) (part) and 203 Reg. 19(f). The requirement of having an attendant on duty while the children are resting or sleeping in S.C. §198 Reg. 7(5) is merged in the broad requirement of this subsection.

Subsection (b) is derived from S.C. §198 Reg. 7(3)(b), §200 Regs. 19(b) and (c) and 22(f) and §203 Reg. 19(c). The subsection now permits the return of cases of streptococcal sore throat, meningitis and poliomyelitis at the end of the period of isolation without a certificate or physician's statement. Isolation for these diseases ends at the termination of the febrile period. The requirement in subdivision (3) that the physician's statement indicate that the period of isolation or exclusion is ended, is new.

Subsection (c) is derived from S.C. §198 Reg. 8(a)(part), §200 Reg. 19(a), §203 Reg. 19(a) and §87 Reg. 10(a)-(d). S.C. §87 Reg. 10(f) is the basis for section 11.47(d). Persons in charge, volunteers and other persons (such as bus drivers who may be employed by a contract carrier) are now required to be X-rayed as well as employees. S.C. §87 Reg. 10(e), which required the Department to notify the employer, is deleted because the Department may take such action without specific direction. The provision on the length of time the records are to be kept is new.

The requirement for X-ray examinations has been held constitutional. *Conlon v. Marshall*, 185 Misc. 638, 59 N.Y.S. 2d 52; aff'd without opinion 271 App. Div. 972, 68 N.Y.S. 2d 438 (2d Dept. 1945).

Subsection (c) was repealed and reenacted by resolution adopted on May 8, 1962. The reenactment added the provision giving the person to whom the subsection applies the option of submitting to a tuberculin test in the first instance in lieu of a chest X-ray. If he does not react to the tuberculin test, an X-ray at that time will not be necessary. However, he will be required to submit to tuberculin tests or take chest X-rays periodically at the intervals prescribed by the Department.

Subdivisions (1) and (2) of subsection (c) were amended by resolution adopted on November 23, 1965 which (1) eliminated the requirement for reporting within 30 days, (2) required private physicians to submit to the Health Department reports of interpretation of X-ray films rather than the films themselves, (3) authorized private physicians to administer and interpret tuberculin tests, and (4) eliminated the requirement for a written request before a tuberculin test could be administered.

Subdivision (3) of subsection (c) was amended by resolution adopted on December 14, 1965, which added the words "a satisfactory X-ray report has been".

Subsection (d) is new.

Subsection (e) is derived without substantive change from S.C. §198 Reg. 4(i) (part), §200 Reg. 19(d) and §203 Reg. 19(d).

§45.11 Physical facilities

(a) A day care service, school or children's institution shall not be conducted in a factory, mercantile or business building, unless the premises are approved by the Department. Such approval shall not be granted unless the premises and the area surrounding the premises are free from fire, traffic or other safety hazards.

(b) A child shall not be kept for any period of time in a cellar as defined in §C26-30.0 of the Administrative Code. A child shall not be permitted to remain for any period of time in a basement as defined in §C26-22.0 of the Administrative Code when one side of the basement is more than three feet below the surface of the ground surrounding the building, without the prior approval of the Department. Such approval shall not be granted to a day care service, school or children's institution which receives a permit for the first time after the effective date of this Code, or which is in a building erected or renovated after the effective date of this Code. This subsection shall not apply to cellar or basement space used for a lunchroom, dining room, cafeteria, or other eating place, for a lavatory, as defined in section 1.03 (n), or a washroom.

(c) All parts of a building used for the care of children shall be adequately lighted by natural or artificial means. All lighting shall be evenly distributed and diffused, free from glare, flickering or shadows. Background surfaces shall be of a dull finish in colors providing low brightness differences and low contrasts. In a day care service, school or children's institution located in premises constructed after the effective date of this Code, the amounts of light required by subdivisions (1) through (5) of this subsection shall be provided and maintained at the children's activity level. In a day care service, school or children's institution located in premises constructed on or prior to the effective date of this Code, the requirements of subdivisions (1) through (5) of this subsection shall be complied with as far as practicable when the premises are renovated or altered. The lighting standard is as follows:

(1) Fifty footcandles of light in drafting, typing or sewing rooms and in all classrooms used for partially sighted children;

(2) Thirty footcandles of light in all other classrooms, study halls or libraries;

(3) Twenty footcandles of light in recreation rooms;

(4) Ten footcandles of light in auditoriums, cafeterias, locker rooms, washrooms, corridors containing lockers; and,

(5) Five footcandles of light in open corridors and store rooms.

(d) When the outside temperature is less than 55 degrees Fahrenheit, and the children are on the premises, a temperature of between 68 degrees and 72 degrees Fahrenheit shall be maintained in all parts of the building used by the children, except when the children are sleeping. Heating apparatus shall be equipped with adequate protective guards. Gas space heaters shall not be installed or used without the approval of the Department. Kerosene heaters are prohibited.

(e) A lighted and ventilated room or compartment shall be provided, sufficient in size and arranged so that each child's garments may be hung separately and within his reach.

(f) Drinking water shall be available near classrooms and playrooms and easily accessible to the children. Except when bubbler fountains are used, individual drinking cups shall be provided within reach of the children. If bubbler fountains are used, they shall be of the angle jet type with suitable guards and shall have water pressure which is sufficient to raise the water high enough above the spout to avoid contamintaion.

(g) Walls, ceilings and floors shall be finished so that they may be cleaned readily. The premises, furnishings and equipment shall be kept clean. While occupied by children, rooms other than workshops shall not be swept or dusted. No room used for children shall be cleaned by dry sweeping. When quarters are provided for the staff or attendants, they shall be kept clean at all times.

(h) Indoor and outdoor play areas shall be available for the use of the children. Such play areas shall be safe, clean, easily accessible, adequate in size and suitable for the needs of the children. A shady area shall be available in outdoor play areas used during the summer months.

(i) Toilets shall be provided convenient to playrooms, class rooms and dormitories and the number of such toilets shall be as prescribed by sections 47.13 for a day care service, 49.07 for a school or 51.09 for a children's institution. In a lavatory for boys six years of age and over, urinals may be substituted for not more than one-third of the number of toilets required. When such substitution is made, one urinal shall replace one toilet so that the total number of toilets and urinals shall in no case be less than the number of required toilets. Toilets and urinals shall be of such height and size as to be usable by the children without assistance.

(j) Separate lavatories shall be provided for boys and girls six years of age and over, and a partition no less than five feet six inches high shall separate the toilets in such lavatories. In a day care service, school or children's institution located in premises constructed after the effective date of this Code, separate lavatories shall be provided for the persons in charge, staff and other employees.

(k) Wash basins with an adequate supply of hot and cold running water shall be provided in or adjacent to lavatories, and the number of such wash basins shall be as prescribed by sections 47.13 for a day care service, 49.07 for a school and 51.09 for a children's institution. When an extended wash basin with several faucets supplying tempered water is used, each faucet shall be considered as meeting the requirement for one wash basin.

(l) Plumbing shall be installed only by a licensed master plumber and shall be free of cross-connections and other hazards to health.

(m) Proper and sufficient ventilation, by natural or artificial means, shall be provided in each room used by the children pursuant to section C26-266.0 of the Administrative Code. The windows, inlets and outlets shall be located and the rate of air flow shall be controlled so as not to subject the children to drafts.

(n) Windows in rooms above the ground floor shall be safely guarded when the window sills are so low as to present a safety hazard to the children.

NOTES: Subsection (a) is derived from S.C. §198 Reg. 1(2)(part) as amended on April 21, 1958, §200 Reg. 2 and §203 Reg. 1(c). The use of factory, mercantile or business buildings which was previously completely prohibited is now permitted under certain circumstances.

Subsection (b) is derived from S.C. §198 Reg. 3(b), §200 Reg. 5 and §203 Reg. 4, with several changes resulting in the consolidation. Cellar rooms (*i.e.*, rooms with more than one-half of their height underground) cannot be used for any purpose, even in schools. A basement (*i.e.*, a story partly underground but having at least one-half of its height above ground) may be used only with the approval of the Department if one of its sides is more than three feet below the ground. After the effective date of this Code, a new day care service, school or children's institution or one in new or renovated premises cannot use such a basement for any purpose.

Subsection (b) was amended by resolution adopted on June 27, 1963, which added the last sentence.

Subsection (c) is derived from S.C. §198 Reg. 3(f)(part), §200 Reg. 8 and §203 Reg. 6(part), but is considerably expanded by the establishment of new lighting standards. The standards in the subdivisions are based upon the recommendations of the Illuminating Engineering Society and American Institute of Architects, and the National Society for the Prevention of Blindness, approved by the American Standards Association. The standard is to apply to new construction and as far as practicable in buildings renovated after the effective date of this Code. All lighting is required to be free from flickering, glare or uneven diffusion, and background surfaces are to have a suitable finish.

Subsection (d) is derived from S.C. §198 Reg. 3(f) and (g), §200 Regs. 8(part) and 9 and §203 Regs. 6(part) and 7. Although each of these regulations differed in regard to the temperature to be maintained, they have been combined so as to provide a single standard, in keeping with the November 30, 1956 amendment to S.C. §225. The standard of 68°—72° F. is to be maintained only when the outside temperature drops below 55 degrees; without the latter provision this subsection might be construed as requiring air conditioning in the summer months. The provision requiring protective guards for heating apparatus is new. The provision prohibiting the use of gas for heating without permission of the Department has been changed so as to relate only to gas space heaters. Central gas heaters may be used. The provisions prohibiting the use of gas for lighting and cooking have been eliminated. The requirement for hanging a thermometer at a certain level above the floor is omitted.

Subsection (e) is derived from S.C. §198 Reg. 3(j), §200 Reg. 11 and §203 Reg. 9. The only change is to add the requirement that the clothes be hung within reach of the children.

Subsection (f) is derived from S.C. §198 Reg. 4(e), §200 Reg. 13 and §203 Reg. 10. Water is not only required to be near classrooms and playrooms but also easily accessible to the children. Cups must also be within their reach. The requirement of S.C. §198 Reg. 4 that the water be from a public supply is omitted as unnecessary. See Article 141, Drinking Water. The ratio of one bubbler fountain per 100 children has been omitted as unrealistic, since there never was a requirement that bubbler fountains be used. The last sentence is new.

Subsection (g) is derived from S.C. §198 Reg. 3(i) and (h)(part), §200 Regs. 16(a)(part), 17 and 19(f), and §203 Regs. 13(a)(part), 17 and 19(g) without substantive change. The words "other than workshops" were added because it may be desirable to have the pupils sweep workshops after completion of their work. See Article 151, Rodents, Insects and Other Pests; section 151.03 requires premises to be free of rodents and insects and free of harborages for such pests.

Subsection (h) is derived from S.C. §198 Reg. 7(6)(a), §200 Reg. 15(a)(part) and §203 Reg. 12(part). The changes require the play areas, both indoor and outdoor, to be adequate and accessible. Shade is required in outdoor areas used in the summer. The requirement in S.C. §203 Reg. 12 for a playroom separate from a nursery or dormitory is eliminated.

Subsection (i) is derived from parts of S.C. §198 Reg. 4(c), §200 Reg. 14 and §203 Reg. 11. Since the needs of day care services, schools and children's institutions differ in regard to the ratio of the number of toilets to the number of children, the ratios are left to the separate articles and an appropriate cross-reference is made here. In regard to urinals in lavatories for boys, the provisions of the Code were quite inconsistent: S.C. §198 did not mention them; S.C. §200 Reg. 14(b) required at least one-fourth of the required number of fixtures to be water closets [sic]; S.C. §203 Reg. 11 provided that urinals could be substituted for toilets, but required that the number of water closets could not be reduced below two-thirds the required number; §C26-1279.0 of the Administrative Code requires schools to provide water closets [sic] for at least one-fourth of the required number of fixtures, while at the same time providing that when urinals are substituted for toilets the number of toilets shall not be reduced below two-thirds the required number. There appears to be an error in S.C. §200 Reg. 14(b) and §C26-1279.0 of the Administrative Code in that the words "water closet" appear where the word "urinal" should have been used. The provisions of this subsection represent the true intention of the law. Urinals are not required. For definitions of toilet and urinal see section 1.03; they must be water-flushed and connected to a private or municipal sewage disposal system.

Subsection (j) is derived from parts of S.C. §198 Reg. 4(c), §200 Reg. 14 and §203 Reg. 11. The provisions of the prior regulations concerning the use of lavatories in day case services, schools and children's institutions differed considerably and were largely inconsistent. In arriving at the single standard set forth in this subsection, several changes were made which better reflect present-day attitudes. Separate lavatories are now required for boys and girls over six years of age and all provisions on contemporaneous use by younger boys and girls are omitted. The Sanitary Code contained several different standards. S.C. §198 Reg. 4(c) did not require separate lavatories but prohibited contemporaneous use by both sexes over age six. S.C. §200 Reg. 14, provided for separate lavatories for children over age six, and allowed children between four and six to use the same lavatory if boys and girls did not use it at the same time; but if used at the same time (in violation of the preceding sentence) partitions were required. S.C. §203 Reg. 11 required separate lavatories only for children over eight years and boys and girls from four to eight could not use the lavatory at the same time. This subsection also contains a single standard for partitions instead of the variety of requirements in the former code: S.C. §198 Reg. 4(c) required a partition four feet high in a lavatory used by children over six years of age; S.C. §200 Reg. 14(c) required a partition four feet high in lavatories used by both sexes at the same time and a partition five feet six inches high in lavatories used by children over six years of age; and S.C. §203 Reg. 11 required a partition four feet high in a lavatory for children between four and eight years of age and a partition five feet high in lavatories used by children over eight years of age. The last sentence is new. For a definition of lavatory see section 1.03(n).

Subsection (k) is derived from parts of S.C. §198 Reg. 4(c), §200 Reg. 14(d) and §203 Reg. 11. The requirements for wash basins in day care services, schools and children's institutions are so different that the number of fixtures required is left to the articles specified. The last sentence is new. Wash basin is defined in section 1.03(o); it must be connected to a private or municipal sewage disposal system.

Subsection (l) is new.

Subsection (m) is derived from S.C. §200 Reg. 7(a), §198 Reg. 3(e) and §203 Reg. 5(b). The detail of §203 Reg. 5(b) in regard to cubic feet of air per hour is deleted. S.C. §200 Reg. 7(a) referred for its ventilation standard to the Administrative Code. The index for ventilation contained in §C26-266.0(4) of the Administrative Code pertains specifically to schools. Day care services and children's institutions are now required to meet the same standards as schools. The subsection also results in the deletion of cubic foot requirements in S.C. §198 Reg. 3(c) and §200 Reg. 7(b).

§45.11 Physical facilities

(a) A day care service, school or children's institution shall not be conducted in a factory, mercantile or business building, unless the premises are approved by the Department. Such approval shall not be granted unless the premises and the area surrounding the premises are free from fire, traffic or other safety hazards.

(b) A child shall not be kept for any period of time in a cellar as defined in §C26-30.0 of the Administrative Code. A child shall not be permitted to remain for any period of time in a basement as defined in §C26-22.0 of the Administrative Code when one side of the basement is more than three feet below the surface of the ground surrounding the building, without the prior approval of the Department. Such approval shall not be granted to a day care service, school or children's institution which receives a permit for the first time after the effective date of this Code, or which is in a building erected or renovated after the effective date of this Code. This subsection shall not apply to cellar or basement space used for a lunchroom, dining room, cafeteria, or other eating place, for a lavatory, as defined in section 1.03 (n), or a washroom.

(c) All parts of a building used for the care of children shall be adequately lighted by natural or artificial means. All lighting shall be evenly distributed and diffused, free from glare, flickering or shadows. Background surfaces shall be of a dull finish in colors providing low brightness differences and low contrasts. In a day care service, school or children's institution located in premises constructed after the effective date of this Code, the amounts of light required by subdivisions (1) through (5) of this subsection shall be provided and maintained at the children's activity level. In a day care service, school or children's institution located in premises constructed on or prior to the effective date of this Code, the requirements of subdivisions (1) through (5) of this subsection shall be complied with as far as practicable when the premises are renovated or altered. The lighting standard is as follows:

(1) Fifty footcandles of light in drafting, typing or sewing rooms and in all classrooms used for partially sighted children;

(2) Thirty footcandles of light in all other classrooms, study halls or libraries;

(3) Twenty footcandles of light in recreation rooms;

(4) Ten footcandles of light in auditoriums, cafeterias, locker rooms, washrooms, corridors containing lockers; and,

(5) Five footcandles of light in open corridors and store rooms.

(d) When the outside temperature is less than 55 degrees Fahrenheit, and the children are on the premises, a temperature of between 68 degrees and 72 degrees Fahrenheit shall be maintained in all parts of the building used by the children, except when the children are sleeping. Heating apparatus shall be equipped with adequate protective guards. Gas space heaters shall not be installed or used without the approval of the Department. Kerosene heaters are prohibited.

(e) A lighted and ventilated room or compartment shall be provided, sufficient in size and arranged so that each child's garments may be hung separately and within his reach.

(f) Drinking water shall be available near classrooms and playrooms and easily accessible to the children. Except when bubbler fountains are used, individual drinking cups shall be provided within reach of the children. If bubbler fountains are used, they shall be of the angle jet type with suitable guards and shall have water pressure which is sufficient to raise the water high enough above the spout to avoid contamintaion.

(g) Walls, ceilings and floors shall be finished so that they may be cleaned readily. The premises, furnishings and equipment shall be kept clean. While occupied by children, rooms other than workshops shall not be swept or dusted. No room used for children shall be cleaned by dry sweeping. When quarters are provided for the staff or attendants, they shall be kept clean at all times.

(h) Indoor and outdoor play areas shall be available for the use of the children. Such play areas shall be safe, clean, easily accessible, adequate in size and suitable for the needs of the children. A shady area shall be available in outdoor play areas used during the summer months.

(i) Toilets shall be provided convenient to playrooms, class rooms and dormitories and the number of such toilets shall be as prescribed by sections 47.13 for a day care service, 49.07 for a school or 51.09 for a children's institution. In a lavatory for boys six years of age and over, urinals may be substituted for not more than one-third of the number of toilets required. When such substitution is made, one urinal shall replace one toilet so that the total number of toilets and urinals shall in no case be less than the number of required toilets. Toilets and urinals shall be of such height and size as to be usable by the children without assistance.

(j) Separate lavatories shall be provided for boys and girls six years of age and over, and a partition no less than five feet six inches high shall separate the toilets in such lavatories. In a day care service, school or children's institution located in premises constructed after the effective date of this Code, separate lavatories shall be provided for the persons in charge, staff and other employees.

(k) Wash basins with an adequate supply of hot and cold running water shall be provided in or adjacent to lavatories, and the number of such wash basins shall be as prescribed by sections 47.13 for a day care service, 49.07 for a school and 51.09 for a children's institution. When an extended wash basin with several faucets supplying tempered water is used, each faucet shall be considered as meeting the requirement for one wash basin.

(l) Plumbing shall be installed only by a licensed master plumber and shall be free of cross-connections and other hazards to health.

(m) Proper and sufficient ventilation, by natural or artificial means, shall be provided in each room used by the children pursuant to section C26-266.0 of the Administrative Code. The windows, inlets and outlets shall be located and the rate of air flow shall be controlled so as not to subject the children to drafts.

(n) Windows in rooms above the ground floor shall be safely guarded when the window sills are so low as to present a safety hazard to the children.

NOTES: Subsection (a) is derived from S.C. §198 Reg. 1(2)(part) as amended on April 21, 1958, §200 Reg. 2 and §203 Reg. 1(c). The use of factory, mercantile or business buildings which was previously completely prohibited is now permitted under certain circumstances.

Subsection (b) is derived from S.C. §198 Reg. 3(b), §200 Reg. 5 and §203 Reg. 4, with several changes resulting in the consolidation. Cellar rooms (*i.e.*, rooms with more than one-half of their height underground) cannot be used for any purpose, even in schools. A basement (*i.e.*, a story partly underground but having at least one-half of its height above ground) may be used only with the approval of the Department if one of its sides is more than three feet below the ground. After the effective date of this Code, a new day care service, school or children's institution or one in new or renovated premises cannot use such a basement for any purpose.

Subsection (b) was amended by resolution adopted on June 27, 1963, which added the last sentence.

Subsection (c) is derived from S.C. §198 Reg. 3(f)(part), §200 Reg. 8 and §203 Reg. 6(part), but is considerably expanded by the establishment of new lighting standards. The standards in the subdivisions are based upon the recommendations of the Illuminating Engineering Society and American Institute of Architects, and the National Society for the Prevention of Blindness, approved by the American Standards Association. The standard is to apply to new construction and as far as practicable in buildings renovated after the effective date of this Code. All lighting is required to be free from flickering, glare or uneven diffusion, and background surfaces are to have a suitable finish.

Subsection (d) is derived from S.C. §198 Reg. 3(f) and (g), §200 Regs. 8(part) and 9 and §203 Regs. 6(part) and 7. Although each of these regulations differed in regard to the temperature to be maintained, they have been combined so as to provide a single standard, in keeping with the November 30, 1956 amendment to S.C. §225. The standard of 68°—72° F. is to be maintained only when the outside temperature drops below 55 degrees; without the latter provision this subsection might be construed as requiring air conditioning in the summer months. The provision requiring protective guards for heating apparatus is new. The provision prohibiting the use of gas for heating without permission of the Department has been changed so as to relate only to gas space heaters. Central gas heaters may be used. The provisions prohibiting the use of gas for lighting and cooking have been eliminated. The requirement for hanging a thermometer at a certain level above the floor is omitted.

Subsection (e) is derived from S.C. §198 Reg. 3(j), §200 Reg. 11 and §203 Reg. 9. The only change is to add the requirement that the clothes be hung within reach of the children.

Subsection (f) is derived from S.C. §198 Reg. 4(e), §200 Reg. 13 and §203 Reg. 10. Water is not only required to be near classrooms and playrooms but also easily accessible to the children. Cups must also be within their reach. The requirement of S.C. §198 Reg. 4 that the water be from a public supply is omitted as unnecessary. See Article 141, Drinking Water. The ratio of one bubbler fountain per 100 children has been omitted as unrealistic, since there never was a requirement that bubbler fountains be used. The last sentence is new.

Subsection (g) is derived from S.C. §198 Reg. 3(i) and (h)(part), §200 Regs. 16(a)(part), 17 and 19(f), and §203 Regs. 13(a)(part), 17 and 19(g) without substantive change. The words "other than workshops" were added because it may be desirable to have the pupils sweep workshops after completion of their work. See Article 151, Rodents, Insects and Other Pests; section 151.03 requires premises to be free of rodents and insects and free of harborages for such pests.

Subsection (h) is derived from S.C. §198 Reg. 7(6)(a), §200 Reg. 15(a)(part) and §203 Reg. 12(part). The changes require the play areas, both indoor and outdoor, to be adequate and accessible. Shade is required in outdoor areas used in the summer. The requirement in S.C. §203 Reg. 12 for a playroom separate from a nursery or dormitory is eliminated.

Subsection (i) is derived from parts of S.C. §198 Reg. 4(c), §200 Reg. 14 and §203 Reg. 11. Since the needs of day care services, schools and children's institutions differ in regard to the ratio of the number of toilets to the number of children, the ratios are left to the separate articles and an appropriate cross-reference is made here. In regard to urinals in lavatories for boys, the provisions of the Code were quite inconsistent: S.C. §198 did not mention them; S.C. §200 Reg. 14(b) required at least one-fourth of the required number of fixtures to be water closets [sic]; S.C. §203 Reg. 11 provided that urinals could be substituted for toilets, but required that the number of water closets could not be reduced below two-thirds the required number; §C26-1279.0 of the Administrative Code requires schools to provide water closets [sic] for at least one-fourth of the required number of fixtures, while at the same time providing that when urinals are substituted for toilets the number of toilets shall not be reduced below two-thirds the required number. There appears to be an error in S.C. §200 Reg. 14(b) and §C26-1279.0 of the Administrative Code in that the words "water closet" appear where the word "urinal" should have been used. The provisions of this subsection represent the true intention of the law. Urinals are not required. For definitions of toilet and urinal see section 1.03; they must be water-flushed and connected to a private or municipal sewage disposal system.

Subsection (j) is derived from parts of S.C. §198 Reg. 4(c), §200 Reg. 14 and §203 Reg. 11. The provisions of the prior regulations concerning the use of lavatories in day case services, schools and children's institutions differed considerably and were largely inconsistent. In arriving at the single standard set forth in this subsection, several changes were made which better reflect present-day attitudes. Separate lavatories are now required for boys and girls over six years of age and all provisions on contemporaneous use by younger boys and girls are omitted. The Sanitary Code contained several different standards. S.C. §198 Reg. 4(c) did not require separate lavatories but prohibited contemporaneous use by both sexes over age six. S.C. §200 Reg. 14, provided for separate lavatories for children over age six, and allowed children between four and six to use the same lavatory if boys and girls did not use it at the same time; but if used at the same time (in violation of the preceding sentence) partitions were required. S.C. §203 Reg. 11 required separate lavatories only for children over eight years and boys and girls from four to eight could not use the lavatory at the same time. This subsection also contains a single standard for partitions instead of the variety of requirements in the former code: S.C. §198 Reg. 4(c) required a partition four feet high in a lavatory used by children over six years of age; S.C. §200 Reg. 14(c) required a partition four feet high in lavatories used by both sexes at the same time and a partition five feet six inches high in lavatories used by children over six years of age; and S.C. §203 Reg. 11 required a partition four feet high in a lavatory for children between four and eight years of age and a partition five feet high in lavatories used by children over eight years of age. The last sentence is new. For a definition of lavatory see section 1.03(n).

Subsection (k) is derived from parts of S.C. §198 Reg. 4(c), §200 Reg. 14(d) and §203 Reg. 11. The requirements for wash basins in day care services, schools and children's institutions are so different that the number of fixtures required is left to the articles specified. The last sentence is new. Wash basin is defined in section 1.03(o); it must be connected to a private or municipal sewage disposal system.

Subsection (l) is new.

Subsection (m) is derived from S.C. §200 Reg. 7(a), §198 Reg. 3(e) and §203 Reg. 5(b). The detail of §203 Reg. 5(b) in regard to cubic feet of air per hour is deleted. S.C. §200 Reg. 7(a) referred for its ventilation standard to the Administrative Code. The index for ventilation contained in §C26-266.0(4) of the Administrative Code pertains specifically to schools. Day care services and children's institutions are now required to meet the same standards as schools. The subsection also results in the deletion of cubic foot requirements in S.C. §198 Reg. 3(c) and §200 Reg. 7(b).

Subsection (n) is new. The provisions of S.C. §§198 Reg. 3(d), 200 Reg. 7(a) and 203 Reg. 5(a) relating to windows opening on a yard or court are omitted. See Administrative Code §§C26-261.0 and C26-269.0.

§45.13 Equipment and furnishings

(a) All equipment and furnishings used shall be readily washable or otherwise easily cleaned. Furnishings which are likely to collect excessive amounts of dust, such as heavy draperies, upholstery or carpets, shall not be used in rooms occupied by children, but such furnishings may be used for educational purposes if they are kept clean.

(b) Tables and chairs and other equipment shall be appropriate for the size and needs of the children who use them and shall be readily washable.

(c) In the indoor and outdoor play areas, sufficient play equipment shall be provided which is appropriate to the stage of development of the children and which is designed to foster physical and motor development. The equipment shall be easily accessible to the children, readily washable, clean, in good repair and free from hazards such as sharp or pointed parts, or toxic or poisonous finishes or materials.

(d) A first aid kit, completely stocked for emergency treatment of cuts and burns, shall be provided and shall be easily accessible for use. The first aid kit shall be kept out of the reach of young children.

(e) Soap and individual paper or cloth towels or sanitary driers shall be provided adjacent to wash basins and within easy reach of the children. If combs or washcloths are provided, each child shall have such articles for his exclusive use.

NOTES: Subsection (a) is derived without substantive change from S.C. §198 Reg. 3(h)(part), §200 Reg. 16(a)(part) and §203 Reg. 13(a)(part). The exception for educational purposes was added so as to exempt a classroom in which home economics is taught.

Subsection (b) is derived without substantive change from S.C. §§198 Reg. 4(g), 200 Reg. 16(b)(part) and 203 Reg. 13(b)(part).

Subsection (c) is derived without substantive change from S.C. §198 Reg. 4(a), §200 Reg. 16(b)(part), §203 Reg. 13(b)(part) and §203 Reg. 12(part). The changes are as follows: Specific mention is made of "indoor and outdoor areas" to assure that materials will be available in every play area; the language relating to sufficiency and appropriateness for development is new; the requirement that equipment be "free from hazards" is expressly stated and the requirement that the equipment be "in good repair" replaces the prohibition on "loose" parts; the requirement of lead-free paint is changed to a prohibition of poisonous finishes or materials. See in this connection Article 173, Hazardous Substances, section 173.13.

Subsection (d) is derived from S.C. §198 Reg. 4(i)(part), §200 Reg. 16(c) and §203 Reg. 13(e).

Subsection (e) is derived from S.C. §198 Reg. 4(d)(part), §200 Reg. 14(d)(part) and §203 Regs. 11(part) and 13(d)(part). The words "adjacent to wash basins and within easy reach of the children" are new. Common towels cannot be used under section 181.05.

§45.15 Care and preparation of food

(a) When food is stored or served to children in a day care service, school or children's institution, the provisions of Articles 81 and 87 of this Code shall be complied with.

(b) The food supplied to children shall be wholesome, of good quality, properly prepared, sufficient in amount, varied according to a diet approved by the Department of Health or the State Department of Social Welfare and served at regular hours.

(c) Milk shall be kept at a temperature below 50 degrees Fahrenheit.

(d) A child under 12 years of age shall not be permitted to remove the caps from bottles or containers of milk intended for other persons or permitted to assist in the dispensing of milk except under adequate supervision.

NOTES: Subsection (a) is in part derived from S.C. §198 Reg. 5(a), (d) and (e), §200 Reg. 18(a), (b), (e) and (f) and §203 Reg. 18(a), (d) and (e), but is much broader in scope in requiring food in day care services, schools and children's institutions to be stored and handled pursuant to Article 81, Food Handling and Food Establishments, and Article 87, Restaurants and Other Eating Places. A lunchroom in a day care service, school or children's institution is a "food establishment" under section 81.03(a) and an "eating place" (not a restaurant) under section 87.01(b).

Subsection (b) is derived without substantive change from S.C. §200 Reg. 18(d) and §203 Reg. 18(c) and from S.C. §198 Reg. 7(7)(part). The reference to the State Department of Social Welfare is new.

Subsection (c) is derived from S.C. §198 Reg. 5(b) and S.C. §203 Reg. 18(b)(part). The reference to milk "purchased otherwise than in bottles" is deleted because ladling from large milk cans is no longer practiced.

The last sentence of S.C. §203 Reg. 18(b) dealing wth infants' bottles and nipples has been incorporated into section 51.15(b). A similar provision in S.C. §198 Reg. 5(c) has been deleted.

Subsection (d) is derived without substantive change from S.C. §200 Reg. 18(c) and §203 Reg. 18(b)(part).

The portion of S.C. §200 Reg. 18(c) calling for the sanitary use of drinking straws, is here omitted; it is covered by section 87.11 which was derived from S.C. §144a. Also see section 181.07 on common eating and drinking utensils.

§45.17 Health and medical care

(a) A health inspection of all children shall be made daily by a responsible person who is familiar with the children and who is able to recognize signs of ill health.

(b) The person in charge of a day care service, school or children's institution shall isolate cases and carriers of communicable disease and provide facilities for their isolation pursuant to section 11.57.

NOTES: Subsection (a) is derived without substantive change from S.C. §198 Reg. 7(2) and §200 Reg. 22(c).

Subsection (b) is derived in part from S.C. §198 Reg. 7(3)(a)(part), S.C. §200 Regs. 10 and 22(c)(part) and (d), and S.C. §203 Reg. 21(d)(part). The provisions of S.C. §203 Reg. 8 are omitted because the subject is covered in section 11.57(d) and (f). A day care service or school must provide rooms for temporary isolation pursuant to section 11.57(i) and a children's institution must provide room for isolation pursuant to section 11.57(f). Children must be isolated in accordance with section 11.57. Reports of communicable diseases or conditions must be made pursuant to sections 11.03 and 11.05.

§45.19 Records

Day care services, schools and children's institutions shall keep a current record containing the name, home address, date and place of birth, the date of admission and the date of and reason for the discharge of each child, and the names and home and emergency addresses of parents, guardians, or agency which placed the child.

NOTES: This section is derived from S.C. §198 Reg. 9, §200 Reg. 23(part) and §203 Reg. 23(part) with the addition of the word "current". The portions of S.C. §§200 Reg. 23 and 203 Reg. 23 and S.C. §§198 Reg. 10, 200 Reg. 24 and 203 Reg. 24 relating to the power of the Department to inspect the premises and records of day care services, schools and children's institutions are here omitted; the power is contained in Article 3 of this Code.

§45.21 Modification of provisions

When the strict application of any provision of this article or Articles 47, 49 or 51 presents practical difficulties, or unusual or unreasonable hardships, the Commissioner in a specific instance may modify the application of such provision consistent with the general purpose and intent of these articles and upon such conditions as in his opinion are necessary to protect the health of the children. The denial by the Commissioner of a request for modification may be appealed to the Board in the manner provided by section 5.21.

NOTES: This section is derived from S.C. §198 Reg. 12, §200 Reg. 25 and §203 Reg. 25. It is changed so as to empower the Commissioner to authorize modification.

ARTICLE 47 DAY CARE SERVICES

Section

47.01 Scope
47.03 Permit required; exception
47.05 Permit; application, issuance and renewal
47.07 Admissions
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Introductory Notes

Article 47 covers some of the subject matter contained in S.C. §198 and Regulations thereunder. Many provisions of S.C. §198 and Regulations are integrated in Article 45, since they are applicable to schools and children's institutions as well as to day care services.

Nursery schools or kindergartens attached to public elementary schools or established religious organizations are required to comply with the provisions of this article even though they do not need permits (section 47.03). A new system of issuing permits to day care services is adopted. Upon application for a permit, the Department may issue a temporary permit which will allow the service to operate lawfully for a period of time prior to the issuance of a final permit so that the Department can observe the service in actual operation (section 47.05). Staffing requirements with standards based upon existing administrative agreements between the City and State are added (sections 47.09 and 47.11). Prophylaxis against tetanus, pertussis and poliomyelitis is now required in addition to diphtheria (section 47.07). The provisions governing the use of cots have been modified but are similar to the provisions concerning cots in Article 49 (section 47.15). There is a new section dealing with the transportation of children between their homes and the day care service (section 47.23).

All regulations pertaining to children under two years of age are omitted (S.C. §198 Regs. 3(a) (part), 4(b) (part), 4(f), 5(c), 7(6)(b) and 11) because such children are not permitted in day care services (section 47.07).

The Rules of the State Board of Social Welfare on the Day Care of Children adopted on February 15, 1955, pursuant to Social Welfare Law §390 do not apply in the city of New York. They have, however, been considered in the preparation of this article as have the requirements of the State Education Department for voluntary registration of non-public nursery schools and kindergartens.

§47.01 Scope

The provisions of this article apply to all day care services, and the requirements of this article shall be in addition to the requirements to be met by day care services pursuant to Article 45.

NOTES: This section is new.

§47.03 Permit required; exception

No person shall conduct or hold himself out as conducting a day care service without a permit or temporary permit issued by the Commissioner, but a permit shall not be required for a nursery school or kindergarten conducted as part of an elementary school by the Board of Education or by an established religious organization or as part of an elementary school attended by children of persons officially associated with the United Nations and which receives financial support from or is officially recognized by the United Nations; such a nursery school or kindergarten shall, however, comply with the other provisions of this article and Article 45.

NOTES: This section is derived from S.C. §198 (1) and (3). A reference to temporary permits has been added so as to allow a day care service to operate with such a temporary permit which may be issued upon submission of an application for a permit pursuant to section 47.05(b). The Department may observe the operation of the day care service pursuant to section 47.05(c) prior to issuing a regular permit.

The section was amended by resolution adopted on May 8, 1962 to exempt from the permit requirement a nursery school or kindergarten operated as part of an elementary school attended by children of United Nations officials and supported or recognized by that body.

This section was further amended by resolution adopted on June 24, 1965, which added the language "or hold himself out as conducting".

§47.05 Permit; application, issuance and renewal

(a) An application for a permit to conduct a day care service shall be submitted by the person or persons who propose to operate the service. The application shall include:

(1) A sketch of the premises, with measurements, showing all of the rooms, their dimensions and the uses for which they are intended;

(2) A sketch, with measurements, of the outdoor play space indicating its location in relation to the indoor premises, and a plan for the use of such space;

(3) A statement of the purposes for which the service is conducted;

(4) A description of the program of indoor and outdoor activities;

(5) Evidence of a reasonably secure financial position to permit compliance with the provisions of this Code; and,

(6) A statement of the method to be used in admitting the children.

(b) Upon submission of an application for a permit for a new day care service, the Department may in its discretion issue a temporary permit, which, unless renewed, shall be valid for six months or until the Department rejects the permit application, whichever period is the shorter.

(c) A permit shall not be issued or renewed unless the Department has observed a program in operation under a temporary permit or permit and, upon inspection, is satisfied that all the requirements of the Code have been met.

(d) An application for renewal of a permit shall include notice of any change which occurred since the submission of the previous application for a permit as to any information required by subsection (a) of this section.

(e) A permit or temporary permit shall specify the maximum number of children that may attend the service at any one time. The maximum number shall not exceed the number of children for which the indoor space and facilities are adequate under the provisions of this Code; the Department may, however, in its discretion specify on the permit a higher maximum number for attendance during the summer months upon consideration of the availability of additional outdoor space.

NOTES: Subsection (a) is derived from S.C. §198 Reg. 1(1) and (2). The phrase "person or persons who propose to operate the service" is used instead of "an organization, corporation, partnership, or individual proposing to operate". The requirement that dimensions be shown on the sketch is new, as is the requirement that the sketch specify the use of each room, whether or not intended "for child caring purposes", as heretofore. Subdivision (2) is new. The words "description of the program and activities to carry out these purposes" have been changed to "description of the program of indoor and outdoor activities." See Article 5, General Permit Provisions, for regulations concerning application, expiration, fees, revocation, transfer and renewal of the permit.

Subsection (b) is new. It permits a day care service to operate between the time of submission of an application for a permit and the time when action thereon is taken, so that the Department may observe the service in operation before a regular permit is granted. The issuance of a temporary permit is purely discretionary, and the Department may, for instance, refuse to issue a temporary permit if it has previously denied an application for a permit, or if it finds upon the face of the application that the applicant does not or cannot meet the requirements of the Code. The time limit of six months will encourage the applicant to comply promptly with all requirements blocking final approval of his permit, because renewal of the temportary permit may be refused.

Subsections (c), (d) and (e) are new.

The State Education Department has a program for the voluntary registration of non-public nursery schools or kindergartens which comply with the standards established by that Department. Information about the standards and application blanks can be obtained from the Division of Elementary Education, State Education Department, Albany, New York. Since the requirements of this article are in many respects similar to the standards of the State Education Department, day care services under permit and day care services operated by religious organizations as part of elementary schools may be eligible for voluntary registration by the State. It should be noted, however, that a few of the standards recommended by the State Education Department are more stringent than those required by the Code, *e.g.*: size of groups of children, indoor floor space, outdoor play space and minimum age of admission.

§47.07 Admissions

(a) No child shall be admitted to a day care service unless:

(1) He is two years of age or over;

(2) He has received a thorough medical examination within 90 days prior to admission, and a statement by the examining physician has been furnished to the day care service pursuant to subsection (b) of this section; and,

(3) He has received prophylaxis against diphtheria, tetanus, pertussis and polyiomyelitis, when there are no medical contraindications,

except that if his parents or guardians consent in writing to immunization, the child may be admitted and immunized without undue delay.

(b) The physician examining a child pursuant to subsection (a)(2) of this section shall furnish to the day care service a signed statement containing a summary of the results of the examination, the past medical history and, if a disease or abnormal condition is found, recommendations for exclusion or treatment of the child, or modification of his activities, or plans for the health supervision of a handicapped child.

(c) A day care service shall not have children in attendance in excess of the number prescribed in its permit.

NOTES: **Subsection (a) (1) is new. Children under two years of age may not be cared for in a day care service. The care of such children in a home is regulated by Article 53, Family Day Care. In accordance with this policy, all references to children under age two and requirements for their care, previously found in S.C. §198 are omitted from this article. See *e.g.*: S.C. §198 Regs. 3(a) (part), 4(b) (part), 4(f), 5(c), 6(d), 7(6) (b) and 11. Although it is recognized that as an ultimate goal it is not desirable to permit children under three years of age in a day care service, and many services now have a policy of not admitting such children, the presently practicable limitation of prohibiting only the care of children under two has been adopted.**

Subsection (a)(2) is derived from S.C. §198 Reg. 7(1) (part). The time in which the examination is to be made is new.

Subsection (a) (3) is derived in part from S.C. §198 Reg. 6(c) (part) which related to prophylaxis against diphtheria. The requirement for prophylaxis against tetanus, pertussis and poliomyelitis is new. Vaccination against smallpox is covered by section 45.07.

Paragraph (2) of subsection (a) of section 47.07 was amended by resolution adopted on March 19, 1965, which changed the period for a medical examination prior to admission from 30 to 90 days.

Subsection (b) is derived from S.C. §198 Reg. 7(1) (part) but is broader. S.C. §198 Reg. 6(a) is omitted.

Subsection (c) is derived without substantive change from S.C. §198 Reg. 6 (para. 1).

§47.09 Staff

(a) An educational director shall be in charge of the program of a day care service. In addition to being a qualified teacher in early childhood education pursuant to subsection (b) of this section, an educational director shall have a minimum of two years experience as a group teacher in a program for children under six years of age. The educational director shall not have any teaching duties when there are more than 40 children enrolled in the service, or in the case of a day care service which is an integral part of a school with grades one to six or more, having a principal with no teaching duties, when there are more than 60 children enrolled in the service.

(b) No person shall be placed in charge of a group of children unless he is licensed by the City Board of Education as a teacher in early childhood education or is certified by the State Education Department as a teacher in the field of early childhood education, or unless he meets any of the following requirements:

b. He has been certified by the State Education Department as a teacher in the field of early childhood education according to regulations in effect prior to September 1966; or

c. He is eligible for certification by the State Education Department for teaching in early childhood grades and upper elementary grades, except for the citizenship requirement if his professional study in education includes

1. Completion of 300 clock hours of observation and supervised practice teaching, of which at least 150 clock hours shall be in pre-kindergarten or kindergarten grades.
2. Thirty semester hours of study in professional education which includes at least the following
    - (a) a one-semester course in the sociological, philosophical, and historical foundations of education, and
    - (b) two one-semester courses in educational developmental psychology, at least one of which shall be in child development, and
    - (c) three one-semester courses in instructional methods and materials including instruction in teaching the basic skills, at least one of which shall be on the pre-kindergarten and kindergarten level and
    - (d) a one-semester course in parent education and community relations; or

d. He has been certified by another public or private certifying agency whose standards are equivalent to those specified in paragraph c of this subdivision; or

e. He has a plan for meeting the requirements specified in paragraph a, b or c of this subdivision within a reasonable time and has obtained approval of this plan by a college accredited by the University of the State of New York. In such case he shall submit to the Department a letter indicating the time necessary for the completion of the training.

2. In reviewing the qualifications of a person placed or to be placed in charge of a group of children, the Department may accept letters or other appropriate certifications from teacher training schools certifying that such person has met specific course requirements set by this subsection.

(c) A person in charge of a group of handicapped children shall be a qualified teacher in early childhood education pursuant to subsection (b) of this section and shall have additional, appropriate training for work with handicapped children.

(d) A person may be employed temporarily as an educational director or teacher while his certification approval by the State Education Department or other certifying agency is pending or while his plan for obtaining certification is pending approval.

(e) An assistant teacher shall be a mature person who has at least two years of college education or who is a high school graduate at least 19 years of age.

NOTES: The subject matter covered by this section was formerly in S.C. 198 Reg. 8. It was substantially revised when the New York City Health Code was enacted in 1959. Subsection (a) is derived in part from S.C. 198 Reg. 8. Subsections (b), (c), (d) and (e) were newly added in 1959. Subsection (b) was amended by resolution adopted on December 21, 1967.

The amendment of subsection (b) in 1967 makes no significant change in the qualifications required of teachers in charge of groups of children under the Code; it practice teaching may also be employed. In this connection it should be noted that under the rules of the State Department of Education two full years of satisfactory teaching experience in an approved day care service may be substituted for all of the required 12 semester hours of supervised practice teaching, if one full term is devoted to teaching on each of the three levels; less teaching experience may be required for certification if the candidate also has some semester hours of practice teaching with which he can be credited. Furthermore, if a candidate meets all of the requirements except practice teaching on the primary level, a certificate restricted to nursery and kindergarten can be issued. Thus appropriate credit is given for on-the-job training.

Under a 1949 compact with the New England states, New Jersey, and a later compact with Pennsylvania, Delaware and Maryland, the State Education Department will certify teachers who are certified by those states or who are graduates of certain approved institutions in those states. Regulation 117(8) of the Regulations of the Commissioner of Education of New York State entitled "certification reciprocity" as amended on November 22, 1957, by the addition of subsection (b), provides:

"a. A teaching, supervisory or administrative certificate duly issued by the appropriate State authority in one of the New England States and New Jersey and currently in full force and effect shall be honored by the Commissioner of Education of the State of New York provided that the holder of such certificate shall have had

(1) Not less than three years of successful experience at the teaching, supervisory or administrative level for which transfer of certificate privilege is sought

(2) Basic preparation equivalent in length (though not necessarily in specific content) to the minimum preparation required in these regulations for the teaching, supervisory or administrative level in question

(3) In the case of supervisors and administrators, a program of study directed toward preparation for supervision and for administration equivalent in semester hours (though not necessarily in specific content) to the minimum program prescribed in these regulations for certification

(4) Assurance of employment in the kind and grade of professional position in the public schools of the State of New York for which certification is sought.

"b. Graduates of baccalaureate programs in elementary education in institutions in the New England States and New Jersey, Pennsylvania, Delaware and Maryland shall be eligible for permanent certification in New York State provided that the program is approved by the State Department of Education in the State in which the institution is located and the institution is accrediated by a regional or national accrediting agency."

Further information about certification under this Compact and a list of approved institutions can be obtained from the Bureau of Teacher Education and Certification, State Education Department, Albany 1, New York.

The object of this section—professionally trained staff—has been substantially achieved in the more than 500 licensed day care services under S.C. §198. As of January, 1959, 1,160 teachers and directors in the licensed day care services (78.6%) were fully qualified (certified by the State Education Department), 20.2% were working towards certification under approved plans and 1.2% were not qualified under these provisions.

§47.11 Groups

(a) A teacher qualified pursuant to section 47.09(b) shall be in charge of each group of no more than:

(1) Ten children, if the children are two and over and under three years of age; or,

(2) Fifteen children, if the children are three years and over and under four years of age; or,

(3) Twenty children, if the children are four years and over and under five years of age; or,

(4) Twenty five children, if the children are five years and over and under six years of age.

issued regulations on reciprocity, and further information under this compact and a list of approved institutions can be obtained from the Bureau of Teacher Education and Certification, State Education Department, Albany 1, N. Y. The subdivision encourages such reciprocity as long as consistent with the standards of the Code.

Subdivision 2, is new, and is intended to simplify qualification procedures for the Department as well as for applicants. While the Department will always retain the right to determine whether specific course requirements have been met, the provision would allow the Department to accept appropriate certifications from teacher training schools.

§47.11 Groups

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(1) Ten children, if the children are two and over and under three years of age; or,

(2) Fifteen children, if the children are three years and over and under four years of age; or,

(3) Twenty children, if the children are four years and over and under five years of age; or,

(4) Twenty five children, if the children are five years and over and under six years of age.

(b) In addition to a teacher qualified pursuant to section 47.09(b), an assistant teacher shall be provided for each group of children when:

(1) The group has more than five children two years and over and under three years of age; or,

(2) The group has more than 10 children three years and over and under four years of age; or,

(3) The group has more than 12 children four years and over and under five years of age; or,

(4) The group has more than 15 children five years and over and under six years of age.

(c) The ratios of teachers and assistant teachers to the number of children in a group of handicapped children shall be determined by the type and severity of the handicaps and shall be subject to the approval of the Department, but the number of teachers and assistants shall not be fewer than the number required by subsections (a) and (b) of this section.

(d) Children in two contiguous age categories specified in subsection (a) of this section may be placed in one group. When children in different age categories are so intermingled, the requirements for supervision applicable to the age of the majority of the children in the group shall apply.

NOTES: Subsections (a) and (b) contain new standards for the teachers and assistants to be provided for groups of children which were previously governed by S.C. §198 Reg. 8(b).

Subsection (c) is new. The subsection does not require the segregation of handicapped children when admitted to a service attended predominantly by normal children. It is intended to apply to a service that admits primarily handicapped children or to a service that has a special group for severely handicapped children when inadvisable to integrate them in a group for other children.

Subsection (d) is new. It permits the intermingling in a single group of children over two and under four years of age, or over three and under five years of age, or over four and under six years of age.

pied by furniture, the new standard is not intended as a substantive change in space requirement, but solely as a more convenient method of measurement. The "wall to wall" method is used by other City and State agencies. See: Rules of the State Board of Social Welfare on Day Care of Children, 1955, §19.4(c) (1); Multiple Dwelling Code, Administrative Code §D26-2.2(10). The State Education Department recommends a higher standard (35 square feet of floor space per child exclusive of cloakrooms, isolation rooms, toilets and storage space) for voluntary registration. The cubic foot requirement is deleted since the ventilation requirement is adequately covered by section 45.11(m). Ninety-six percent of the licensed day care services now have from 30 to 89 square feet of wall to wall space for each child and only four per cent of the services do not comply.

Subsection (b) is derived from S.C. §198 Reg. 3(a) which required separate rooms for children under two years of age and for children over eight years of age.

Subsection (c) is derived without substantive change from S.C. §198 Reg. 4(c) (part). Other provisions applicable to lavatories are contained in section 45.11(i), (j) and (k).

Subsection (d) is derived without substantive change from S.C. §198 Reg. 1(2) (part) as amended April 23, 1958.

Subsection (e) is new. It was added by resolution adopted on April 24, 1963.

§47.15 Clothing and equipment

(a) Sufficient and suitable clothing shall be available in a day care service so that children who soil their clothing may receive a change. All such clothing shall be thoroughly washed after each use.

(b) A separate, firm, sanitary cot shall be provided for each child who spends more than four hours a day in the service. Cots shall be placed at least two feet apart unless separated by a screen or partition. Pillows and mattresses shall not be used. A clean sheet shall be provided for the exclusive use of each such child. Blankets which are sufficient to maintain adequate warmth shall be available for use by each such child and shall be used when necessary.

(c) Hair brushes shall not be provided or used.

NOTES: Subsection (a) is derived without substantive change from S.C. §198 Reg. 4(h).

Subsection (b) is derived from S.C. §198 Reg. 4(b) and S.C. §200 Reg. 15(c) with some changes. Cots, sheets and blankets are not required for all children, but only for children who spend more than four hours a day in the service. The use of pillows and mattresses is abolutely prohibited. The reference to cribs and slat beds is deleted. Individual sheets are required for every child. The provision on blankets is changed so as to require availablity and use only when necessary.

Subsection (c) is derived from S.C. §198 Reg. 4(d) (part), the remainder of which is found in section 45.13(e).

S.C. §198 Regs. 4(f) and 5(c) on diapers and milk bottles are deleted because children under age two may no longer be admitted to a day care service.

§47.17 Food; rest periods; outdoor play

(a) Sufficient, nourishing food following a diet acceptable to the Department shall be provided for the children.

(b) Each child in full time day care shall have a quiet, relaxed period of approximately one hour a day. Shorter, comparable periods of quiet and relaxation shall be provided for each child who spends less time in the service.

is deleted. Individual sheets are required for every child. The provision on blankets is changed so as to require availablity and use only when necessary.

Subsection (c) is derived from S.C. §198 Reg. 4(d) (part), the remainder of which is found in section 45.13(e).

S.C. §198 Regs. 4(f) and 5(c) on diapers and milk bottles are deleted because children under age two may no longer be admitted to a day care service.

§47.17 Food; rest periods; outdoor play

(a) Sufficient, nourishing food following a diet acceptable to the Department shall be provided for the children.

(b) Each child in full time day care shall have a quiet, relaxed period of approximately one hour a day. Shorter, comparable periods of quiet and relaxation shall be provided for each child who spends less time in the service.

(c) Adequate periods of outdoor play shall be provided daily for all children, except during inclement weather.

NOTES: Subsection (a) is derived from S.C. §198 Reg. 7(7)(part). The provisions of S.C. §198 Reg. 11(2) have been omitted because they pertained to infants. The requirement for a hot meal, milk and food every four hours is deleted. The subsection supplements section 45.15(b) which requires food, when served to be wholesome, of good quality, properly prepared, and varied.

Subsection (b) is derived from S.C. §198 Reg. 7(5) with some changes. The regulation requiring the children to spend "part of" the one hour rest period lying on the cots is deleted.

Subsection (c) is derived from S.C. §198 Reg. 7(6)(c). A part of the day must be used for outdoor play; the rigid requirement for two hours a day of outdoor play is deleted. S.C. §198 Reg. 7(6)(b) is omitted since it dealt with children under two years of age.

§47.19 Health and medical care

(a) Each child shall be given a complete medical examination by a physician every six months after admission to a day care service if he is under three years of age, or once a year if he is three years and over and under six years of age.

(b) When a child is injured or becomes ill under such circumstances that immediate medical care is needed, the person in charge shall obtain necessary emergency medical care and shall notify the parents or guardian of the child. The name, address and telephone number of the physician or hospital to be called in an emergency shall be conspicuously posted.

(c) The person in charge of a day care service shall not permit a child who is a case, contact or carrier of communicable disease to attend when required to be isolated or excluded by Article 11 of this Code. A child who has been a case, contact or carrier shall not be permitted to return to a day care service until:

(1) He presents a certificate of recovery issued by the Department, if he was a case of tuberculosis, a case or carrier of typhoid or paratyphoid A or B fever, or a case, carrier or household contact of diphtheria or smallpox; or,

(2) After the period of isolation, if he was a case of measles, mumps, German measles, chicken pox, whooping cough, streptococcal sore throat including scarlet fever, meningitis or poliomyelitis; or,

(3) He presents a certificate of recovery issued by the Depart-

The first sentence of subsection (c) is derived from S.C. §198 Reg. 6(b). It is comparable to section 11.63 which requires exclusion of staff members and employees who are cases, contacts or carriers of a communicable disease. The second sentence is derived from S.C. §198 Reg. 7(3) (b) (part). The provisions are the same as for the return of staff in section 45.09(b). (See notes to that section.)

§47.21 Attendance and medical reports

(a) A daily attendance record shall be kept.

(b) A current cumulative medical record shall be kept for each child. The record shall contain all defects and data disclosed by the medical examination given pursuant to sections 47.07 and 47.19, and a history of all illnesses, accidents, and other health data. The record shall be kept for at least two years after the child has left the service.

NOTES: Subsection (a) is derived without substantive change from S.C. §198 Reg. 9(part).

Subsection (b) is derived in part from S.C. §198 Reg. 7(1). The reference to records of accidents or illnesses is new.

This subsection is identical with section 51.21 governing medical records in children's institutions.

§47.23 Transportation

A day care service shall not use or contract for the use of a motor vehicle or omnibus for the purpose of transporting children to or from the service unless the motor vehicle or omnibus prominently displays an unexpired certificate of inspection issued by the Public Service Commission. A day care service which provides transportation facilities shall supervise the transportation so as to preserve the health, safety and comfort of the children. A transportation schedule shall be arranged so that no child will regularly travel more than one hour between his home and the place where the service is operated.

NOTES: This section is new. Pursuant to the authority of Public Service Law §61(14) the Public Service Commission in Case 11346, December 28, 1950, issued an order adopting rules and regulations governing omnibuses having a seating capacity of more than 11 adult passengers which are (1) used in the business of transporting children for hire, (2) owned or operated by a private or public school, or a school district when used to transport school pupils, and (3) operated pursuant to a certificate of convenience and necessity issued by the Commission. By order of December 28, 1955, it was extended to such vehicles which are operated pursuant to a permit for contract carriage of passengers by motor vehicle issued by the Commission. In Case 9136, December 28, 1955, the Commission issued an order adopting rules and regulations governing motor vehicles having a seating capacity of not more than eleven adult passengers which fall into any of the four categories listed above. The rules contain detailed standards for the construction, maintenance and operation of the vehicles regulated, and include a requirement for an inspection and certificate of inspection. The first sentence of this section prohibits a day care service from using uninspected vehicles. The last two sentences are designed to encourage day care services to plan their routes and pick-ups so as to prevent accidents, provide staff and parents with adequate knowledge of the children's whereabouts at all times, and to prevent exposure of the children to motion sickness, fatigue, over-stimulation, restlessness and disturbing behavior resulting from unnecessarily long trips.

DEPARTMENT OF HEALTH

Amendments to New York City Health Code

AT A MEETING OF THE BOARD OF HEALTH OF THE DEPARTMENT OF Health held February 15, 1968, the following resolution was adopted:

Resolved, That Section 47.01 of the New York City Health Code, as enacted by resolution adopted on the twenty-third day of March, nineteen hundred fifty-nine and filed with the City Clerk on the twenty-fourth day of March, nineteen hundred fifty-nine, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

§ 47.01 Scope

The provisions of this article apply to all day care services, and the requirements of this article shall be in addition to the requirements to be met by day care services pursuant to Article 45, except as otherwise provided.

Notes—This section is new. It was amended by resolution adopted on February 15, 1968 which added the last phrase. That phrase has reference to subsection (d) of Section 47.07, enacted concurrently therewith, which makes inapplicable to children under two years of age in a day care service certain provisions of this article.

Resolved further, that paragraph (1) of subsection (a) of Section 47.07 of such Code, as enacted by such resolution, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

(1) He is two years of age or over, except as provided in subsection (d) of this section;

Notes—Subsection (a) (1) is new. It was amended by resolution adopted on February 15, 1968. Children under two years of age may not be cared for in a day care service unless such service holds a special permit issued under subsection (d) and otherwise complies with such subsection. The care of children under two years of age in a home is regulated by Article 53, Family Day Care.

Resolved, further, that Section 47.07 of such Code, as enacted by resolution, be and the same hereby is amended, by adding thereto a new subsection, to follow subsection (c), to be subsection (d), to be printed together with explanatory notes, to read as follows:

(d) A child under two years and over two months of age may be admitted to a day care service which holds a special permit by the Commissioner authorizing such day care service to give group care to children under two years of age. A permit issued hereunder shall expire one year from the date of issuance and shall specify the maximum number of children under two years of age that may attend the service at any one time. A permit shall not be issued unless the Department is satisfied that the service is able to comply with the standards set forth in the Guidelines for the Group Care of Infants, issued by the Department in February 1968, or in any subsequent guidelines supplementing or superseding the February 1968 guidelines. Such guidelines shall govern the care of children under two years of age and with respect to such children shall take precedence over the provisions of Sections 45.07, 47.07(a) (b) and (c), 47.09, 47.11, 47.13, 47.15, 47.17 and 47.19(a) of this Code. Holders of permits under this section shall comply, however, with the provisions of Article 45, except Section 45.07, and Sections 47.03, 47.05, 47.07(d), 47.19(b) and (c), 47.21 and 47.23 of this Code.

Notes—Subsection (d) was added by resolution adopted on February 15, 1968.

Resolved further, that this resolution shall take effect on the date when the Commissioner of Health shall have certified that sufficient funds have been made available to the Department of Health to enable it to employ necessary staff to implement the provisions of this resolution.

A true copy.

Filed with the City Clerk February 27, 1968. ml

LORANCE HOCKERT, Secretary.

DEPARTMENT OF HEALTH

Amendment to New York City Health Code

AT A MEETING OF THE BOARD OF HEALTH OF THE DEPARTMENT OF Health held December 21, 1967, the following resolution was adopted:

Resolved, that subsection (b) of Section 47.09 of the New York City Health Code, as enacted by resolution adopted on the twenty-third day of March, nineteen hundred fifty-nine and filed with the city clerk on the twenty-fourth day of March, nineteen hundred fifty-nine, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

(b) 1. No person shall be placed in charge of a group of children unless

a. He is licensed by the City Board of Education as a teacher in early childhood classes and has completed at least 150 clock hours of observation and supervised practice teaching in pre-kindergarten or kindergarten grades; or

b. He has been certified by the State Education Department as a teacher in the field of early childhood education according to regulations in effect prior to September 1966; or

c. He is eligible for certification by the State Education Department for teaching in early childhood grades and upper elementary grades, except for the citizenship requirement if his professional study in education includes

1. Completion of 300 clock hours of observation and supervised practice teaching, of which at least 150 clock hours shall be in pre-kindergarten or kindergarten grades.

2. Thirty semester hours of study in professional education which includes at least the following

(a) a one-semester course in the sociological, philosophical, and historical foundations of education, and

(b) two one-semester courses in educational developmental psychology, at least one of which shall be in child development, and

(c) three one-semester courses in instructional methods and materials including instruction in teaching the basic skills, at least one of which shall be on the pre-kindergarten and kindergarten level and

(d) a one-semester course in parent education and community relations; or

d. He has been certified by another public or private certifying agency whose standards are equivalent to those specified in paragraph c of this subdivision; or

e. He has a plan for meeting the requirements specified in paragraph a, b or c of this subdivision within a reasonable time and has obtained approval of this plan by a college accredited by the University of the State of New York. In such case he shall submit to the Department a letter indicating the time necessary for the completion of the training.

2. In reviewing the qualifications of a person placed or to be placed in charge of a group of children, the Department may accept letters or other appropriate certifications from teacher training schools certifying that such person has met specific course requirements set by this subsection.

Notes—The subject matter covered by this section was formerly in S. C. 198 Reg. 8. It was substantially revised when the New York City Health Code was enacted in 1959. Subsection (a) is derived in part from S.C. 198 Reg. 8. Subsections (b), (c), (d) and (e) were newly added in 1959. Subsection (b) was amended by resolution adopted on December 21, 1967.

The amendment of subsection (b) in 1967 makes no significant change in the qualifications required of teachers in charge of groups of children under the Code; it should be stressed that any person who was fully qualified prior to the amendment of subsection (b) will continue to be so qualified under the amended provision. To the extent that the amendment makes any changes at all, they will be applicable prospectively only.

The need for the revision of subsection (b) arose from the amendment of state regulations that had theretofore governed the issuance of teacher certificates in early childhood education to which subsection (b) had previously referred. Section 131 of the Regulations of the Commissioner of Education pursuant to Section 207 of the Education Law had previously provided for a certificate in early childhood education. However, as amended effective September 1, 1966, the state regulation no longer provides for certificates in early childhood education, but instead provides for the issuance of a combined certificate for teaching in "early childhood and upper elementary grades." Thus, amendment of Section 47.09(b) is necessary both because the present subsection requires a certificate which the State Education Department ceased to issue in September 1966, and because the new state certificate, which encompasses a wider range, does not specifically require the courses needed to provide a program designed for children of pre-school age. In order to maintain existing standards in more than 600 nursery schools and day care services in the City, the amendment incorporates in the Health Code the very same requirements for courses previously required by the earlier regulation of the State Education Department.

Prior to their amendment effective September 1, 1966, the provisions for a certificate as a teacher in early childhood education set forth in Section 131 of the Rules promulgated by the State Commissioner of Education required a candidate to have completed a four year curriculum approved for the preparation of teachers of early childhood education leading to a baccalaureate degree. The required curriculum had to be of a college grade with approximately two years of liberal arts study and a specialization in early childhood education of not less than 36 semester hours in appropriate professional courses, 12 of which had to be in supervised student practice teaching in the primary grades, the kindergarten and nursery school. The other 24 required semester hours were to give appropriate emphasis to the learning problems, behavior problems and instructional needs of young children. The courses included: history, principles, philosophy or problems of education (2 semester hours); child development (6 semester hours); methods and materials (6 semester hours); language arts or story telling (2 semester hours); creative arts (2 semester hours) and electives in early childhood education (6 semester hours).

The Board of Education of The City of New York has similar requirements for preparation for the license to teach early childhood classes. In addition, the Board of Education requires evaluation to be made by examinations conducted by the Board of Examiners including, but not limited to, a written test, an interview test and a teaching test.

As amended, subsection (b) thus reflects existing standards, as follows:

Subdivision 1a, requiring licensure as a teacher in early childhood classes by the City Board of Education, is derived without substantive change from the introductory part of old subsection (b).

Subdivision 1b, is derived without substantive change from the introductory part of old subsection (b), and fully accepts state certification in early childhood education under prior regulations, as described earlier in the Note.

Subdivision 1c, is new in form, but actually incorporates in the Code the requirements of the State regulations pertaining to certificates in early childhood education prior to their amendment effective September 1, 1966, as previously described in this Note. The only new requirement is contained in subparagraph 2(d), namely, the requirement of a one-semester course in parent education and community relations. This new requirement is not onerous, and, like the rest of the subdivision, affects only persons who seek to qualify after September 1, 1966. The new requirement seems amply warranted in the light of contemporary needs

Subdivision 1d, is derived from old Section 47.09(b)(2) without substantive change; reference to "certification by the State Education Department as a teacher in the field of early childhood education," contained in the earlier subdivision, has been omitted as obsolete, because, as previously pointed out, the State no longer issues such certificates.

Subdivision 1e, is derived from old Section 47.09(b)(3) without substantive change, except that here, again, reference to equivalency with a state certificate in early childhood education—which is no longer issued—has been omitted and equivalency with the specific requirements now incorporated in the Code has been substituted.

Under a 1949 compact with the New England States, New Jersey, and a later compact with Pennsylvania, Delaware and Maryland, the State Education Department will certify teachers who are certified by those states, or who are the graduates of certain approved institutions in those states. The State Commissioner of Education has issued regulations on reciprocity, and further information under this compact and a list of approved institutions can be obtained from the Bureau of Teacher Education and Certification, State Education Department, Albany 1, N. Y. The subdivision encourages such reciprocity as long as consistent with the standards of the Code.

Subdivision 2, is new, and is intended to simplify qualification procedures for the Department as well as for applicants. While the Department will always retain the right to determine whether specific course requirements have been met, the provision would allow the Department to accept appropriate certifications from teacher training schools.

Resolved Further, That this resolution shall take effect immediately.

A true copy.

LORANCE HOCKERT, Secretary.

Filed with the City Clerk, January 8, 1968. j12

ARTICLE 49 SCHOOLS

Section

49.01 Scope
49.03 Building and fire laws
49.05 Admissions
49.07 Physical facilities
49.09 Equipment
49.11 Boarding of children on school premises
49.13 Recreation; outdoor play
49.15 Health and medical care
49.17 Medical records

Introductory Notes

Article 49 covers the subject matter contained in S.C. §200 and Regulations thereunder, except for those portions which are integrated in Article 45.

A nursery school or kindergarten, although attached to a school, will be maintained in compliance with the provsions applicable to day care services. This resolves the dilemma created by S.C. §200(3) which required such a nursery school or kindergarten to comply with both S.C. §198 and §200, although several of their provisions were conflicting. The cross-reference in S.C. §200 Reg. 3(b) requiring boarding schools to comply with S.C. §197 Regs. 5, 6, 7 and 9(a)—(f), which were applicable to boarding homes, has been changed to require compliance with the provisions of section 51.11, which pertains to children's institutions; the revised Code no longer contains regulations governing boarding homes; moreover, sleeping arrangements in board schools are more closely analogous to those in children's institutions than in boarding homes. See Introductory Notes to this title.

§49.01 Scope

The provisions of this article apply to all schools, and the requirements of this article shall be in addition to the requirements to be met by schools pursuant to Article 45. A nursery school or kindergarten attached to a school shall be maintained pursuant to Article 47. The provisions of section 49.15(d) shall also apply to public and private high schools.

NOTES: This section serves as a general cross-reference to Article 45; it is derived from S.C. §200(1) with some changes. S.C. §200(3) defined a school and included within the definition nursery schools or kindergartens attached to an elementary school, and provided that such nursery schools and kindergartens had to comply with the provisions of the Code applicable to both schools (S.C. §200) and day care services (S.C. §198). If read literally, it required these institutions to comply with numerous conflicting regulations, *e.g.*, heating requirements, S.C. §198 Reg. 3(g) and S.C. §200 Reg. 9; use of basements, S.C. §198 Reg. 3(b) and S.C. §200 Reg. 5; floor space, S.C. §198 Reg. 3 (c) and S.C. §200 Reg. 7(b); toilet facilities, S.C. §198 Reg. 4(c) and S.C. §200 Reg. 14; medical examinations, S.C. §198 Reg. 7(1) and S.C. §200 Regs. 20 and 21; drinking facilities, S.C. §198 Reg. 4(c) and S.C. §200 Reg. 13. Nursery schools and kindergartens will be required to comply only with Article 45 and Article 47, since they provide care for children under six years of age and fall within the definition of day care services. This permits the omission of certain provisions of S.C. §200 applying only to children under six years of age from Article 49; the omitted portions are transferred to Article 47, *e.g.* S.C. §200 Regs. 15(c), 19(e) (part) and 6(part). The fact that nursery schools and kindergartens will have to look to Article 47 for their regulations has no effect on the administrative functions of the appropriate bureaus of the Department.

The provisions of section 49.15(d), governing return to school after isolation or exclusion due to communicable disease, apply to public and private high schools as well as to elementary schools and junior high schools.

Note that this article does not require registration or licensing of schools. However, a nursery school or kindergarten, even though attached to a school, will be required to obtain a day care service permit pursuant to section 49.03 unless it is operated by the Board of Education or an established religious organization. The Board of Health has the power to require permits as a means of control, *People ex rel Lieberman v. Vandecarr*, 199 U.S. 552, 26 S. Ct. 144, 50 L. Ed. 305 (1905)*affirming* 175 N.Y. 440, 67 N.E. 913 (1903); *Metropolitan Milk and Cream Co. v. City of New York*, 113 App. Div. 377, 98 N.Y.S. 894 (1st Dept. 1906) *aff'd* without opinion 186 N.Y. 533, 78 N.E. 1107(1906); *People v. Davis*, 78 App. Div. 570, 79 N.Y.S. 747 (2d Dept. 1903), although it has not exercised the power in this instance. The case of *Packer Collegiate Institute v. University of State*, 298 N.Y. 184, 81 N.E. 2d 80 (1948) does not limit that power. In that case the Court of Appeals held invalid Education Law §625 (B) (5) which required schools to obtain a certificate of registration from the Board of Regents under rules and regulations to be promulgated by that body. The Court held this requirement invalid on its face as an unconstitutional delegation of authority since the Legislature failed to provide the policy standards necessary to guide the Board of Regents in adopting its rules. The Board of Health, however, is an entirely different situation, because the delegation of authority to the Board of Health to enact the Sanitary Code has long been held to be "a time honored exception" to the rule against delegation of legislative authority: *Metropolitan Board of Health v. Heister*, 37 N.Y. 661 (1868); Polinsky v. People, 11 Hun 390, *afff'd* 73 N.Y. 65 (1877); *People ex rel Lieberman v. Vandecarr, supra; People on complaint of Yonofsky v. Blanchard*, 288 N.Y. 145, 42 N.E. 2d 7 (1942); *People ex rel Cox v. Justices of the Court of Special Sessions*, 7 Hun 214 (Sup. Ct. 1876).

§49.03 Building and fire laws

No school shall be operated or maintained unless it has obtained (1) a certificate of occupancy, or when such certificate is not required by the Administrative Code, a statement from the Department of Buildings that the school premises comply with all applicable building laws and (2) a statement from the Fire Department that the school premises meet all applicable laws and regulations pertaining to fire control.

NOTES: This section is derived without substantive change from S.C. §200 Reg. 1.

§49.05 Admissions

(a) Immediately prior to admission to school, or as soon as possible after admission, each child shall have a thorough medical examination by a licensed physician. The examining physician shall furnish to the school a signed statement containing a summary of the results of the examination, the past medical history and, if a disease or abnormal condition is found, recommendations for exclusion or treatment of the child, or modification of his activities, or plans for the health supervision of a handicapped child.

(b) If a child does not present the statement of a licensed physician at the time of admission, the person in charge of the school shall promptly notify his parents or guardian that unless the child is examined by a private, licensed physician and a physician's statement is presented pursuant to subsection (a) of this section within ten days, a medical examination of the child will be made by the school physician. If, ten days after the sending of such notice, the required physician's statement is not received, the person in charge shall notify the school physician who shall then examine the child.

NOTES: Subsection (a) is derived from S.C. §200 Regs. 20(c) and 21(a), (b) and (c). The detailed provisions of S.C. §200 Reg. 21(b) instructing physicians how to conduct a medical examination have been omitted as unnecessary. S.C. §200 Reg. 21 (e) requiring physicians to report handicapped children to the Department has been deleted. Licensed physician is defined in section 1.03. S.C. §200 Reg. 20(b), relating to epileptic children, is omitted.

Subsection (b) is derived without substantive change from S.C. §200 Reg. 20(d).

§49.07 Physical facilities

(a) The minimum allowance of space for each child in a classroom shall be 15 square feet of net floor space, that is, available space exclusive of furniture. Children shall not be permitted in a school or in a classroom in excess of the number allowed by this subsection, except in the event of a temporary emergency. Data on the size and capacity of each classroom shall be kept by the person in charge of the school and shall be subject to inspection by the Department.

(b) A school shall provide, for use by the children, the number of toilets prescribed by section C26-1279.0 of the Administrative Code.

(c) A school shall have at least two wash basins. There shall be one wash basin for every 50 children or fraction thereof in schools having 300 children or fewer, and in schools having more than 300 children there shall be six wash basins for the first 300 children, and one additional basin for every 100 additional children or fraction thereof. Urinals may be provided pursuant to section 45.11(i).

NOTES: Subsection (a) is derived from S.C. §200 Regs. 4 and 7(b) (part). The space requirement for classrooms has not changed and is the same standard as provided in section C26-273.0(c)(1)(C) of the Administrative Code. The 200 cubic foot requirement in S.C. §200 Reg, 7(b) is deleted since ventilation is adequately covered by section C26-266.0(4) of the Administrative Code. See section 45.11 (m).

Subsection (b) is derived without substantive change from S.C. §200 Reg. 14(b). Instead of duplicating the provisions of the Administrative Code as was done in the prior regulation, the requirements of section C26-1279.0 are incorporated by reference. The other requirements of S.C. §200 Reg. 14(a), (b), (c) and (e) are found in section 45.11.

Subsection (c) is derived without substantive change from S.C. §200 Reg. 14(d) (part).

§49.09 Equipment

In classrooms other than art rooms, laboratories, gymnasiums and workrooms, the seats shall be provided with backs. Seats and desks shall be of such size and design as to encourage good posture.

NOTES: This section is derived without substantive change from S.C. §200 Reg. 12. The words "cafeterias and auditoriums" have been deleted as unnecessary since they are not classrooms.

§49.11 Boarding of children on school premises

(a) No child under six years of age shall be boarded on school premises. Children six years and over and under sixteen years of age shall not be boarded on school premises unless the school receives the written approval of the Department. The Department shall not grant such approval unless such occupancy is approved by the Department of Buildings and the Fire Department. The person in charge of the school shall submit to the Department (1) a copy of the certificate of occupancy, or, when such certificate is not required by the Administrative Code, a statement from the Department of Buildings that the premises comply with all applicable building laws and (2) a statement from the Fire Department that the premises meet the requirements of all applicable laws and regulations pertaining to fire control. The number of children boarded at a school shall not be more than the maximum number prescribed by the Department.

(b) When a child who is boarded at a school presents a health problem, is injured, or becomes ill and requires medical care, he shall be examined and treated by a physician, and, if possible, his parents or guardian shall be notified immediately. If the necessary medical care or facilities cannot be provided at the school, the child shall be removed to a hospital or other facility which can provide the proper care.

(c) When children are boarded at a school, the sleeping accommodations and facilities required by section 51.11 shall be provided.

(d) Except during day rest periods, no classroom shall be used for sleeping or living purposes.

NOTES: Subsection (a) is derived without substantive change from S.C. §200(2) and Regs. 3(a) and 4(part).

Subsection (b) is derived from S.C. §200 Reg. 3(b) (part) which referred to S.C. §197 Reg. 7. This subsection is identical with the requirement of section 51.19(c) which pertains to medical care of children in children's institutions. Unlike section 49.15(b), which only requires that children attending school be given emergency medical care, this subsection requires the person in charge of the boarding school to attend to all necessary medical care and treatment.

Subsection (c) is derived from S.C. §200 Reg. 3(b) (part) with some important changes. The cross-reference to S.C. §197 Regs. 5 and 6 has been deleted here because the requirements are covered by Article 45. S.C. §200 Reg. 3(b) also cross-referred to S.C. §197 Reg. 9(a) to (f), which pertained to the requirements for sleeping accommodations in foster homes; however, this subsection cross-refers to section 51.11 of the revised Code instead, which relates to sleeping accommodations in children's institutions, in view of the closer analogy to an institutional, rather than a home setting and because the provisions of S.C. §197 and Regulations have been omitted.

Subsection (d) is derived without substantive changes from S.C. §200 Reg. 6 (part).

§49.13 Recreation; outdoor play

Children kept on the school premises for more than five hours a day shall not be required to devote more than five hours a day to classroom work and study, except for religious training. They shall be permitted to spend the excess time in play, rest or recreation. Except during inclement weather, the outdoor play space shall be used for this purpose whenever possible.

NOTES: This section is derived from S.C. §200 Reg. 15(a)(part) and (b). The words "above the age of 6 years" are deleted as unnecessary. The words "classroom work and study" are not intended to be construed so as to prohibit extra-curricular activities.

This section is not inconsistent with the requirement of the Smith-Hughes Vocational Education Act, 20 U.S.C.A. §11 *et. seq.*, adopted by Education Law §290, that children over 14 years of age in vocational schools be given 30 hours of instruction each week. There are no vocational elementary or junior high schools and this section does not apply to high schools.

§49.15 Health and medical care

(a) A school shall have a licensed physician who shall be in charge of the health care services for the children. The Department shall provide the services of such a physician in public schools and in other schools which request such service.

(b) When a child is injured or becomes ill under such circumstances that immediate medical care is needed, the person in charge shall obtain necessary emergency medical care and shall notify the parents or guardian of the child.

(c) When the Department is of the opinion that any child who is attending school is in need of medical attention, the person in charge of the school shall promptly notify his parents or guardian of the fact, and may also notify them that a medical examination of the child will be made by the school physician on a date not less than ten days after the sending of the notice. If, ten day after the sending of such notice, the parent or guardian has not registered an objection to such an examination, and has not presented a statement by a private, licensed physician that the child has been recently examined and is currently under care, the person in charge shall notify the school physician who shall then examine the child. When the Department is of the opinion that any child attending school is in need of immediate medical attention and that delay would be dangerous to health, the child may be examined immediately, and the child's parents or guardian shall be notified.

(d) The person in charge of a school or public or private high school shall not permit a child who is a case, contact or carrier of communicable disease to attend when required to be isolated or excluded by Article 11 of this Code. A child who has been a case, contact or carrier shall not be permitted to return to a school until:

(1) He presents a certificate of recovery issued by the Department, if he was a case of tuberculosis, a case or carrier of typhoid or paratyphoid A or B fever, or a case, carrier or household contact of diphtheria or smallpox; or,

(2) After the period of isolation, if he was a case of measles, mumps, German measles, chicken pox, whooping cough, streptococcal sore throat including scarlet fever, meningitis or poliomyelitis; or,

(3) He presents a certificate of recovery issued by the Department or a physician's written statement that he is free from disease in communicable form, if he was a case or carrier of any other disease reportable pursuant to section 11.03. The statement shall indicate that he is free from disease in communicable form and that the period of isolation or exclusion required by Article 11 of this Code has ended.

NOTES: Subsection (a) is derived without substantive change from S.C. §200 Reg. 22(b)(part).

Subsection (b) is derived without substantive change from S.C. §200 Reg. 22(b) (last sentence). Unlike section 49.11(b), this subsection only requires the school to provide medical care in emergencies; otherwise, medical care is the responsibility of the parents or guardians.

Subsection (c) is derived from S.C. §200 Reg. 20(d) and (e). The last sentence, although new, reflects the current practice of performing medical examinations when immediate medical attention is indicated. The subsection was amended by resolution adopted February 8, 1966. Prior to the amendment the subsection required that the notice to the parent or guardian advise him that the child would be examined by the school physician unless he were examined by a private physician. Under the amendment the parent is merely notified that the child needs medical attention, and that he will be examined by the school physician. If within ten days after sending the notice the parent does not object and does not present a current statement by a private physician, the child is examined by the school physician.

The first sentence of subsection (d) is new. It is comparable to section 11.63 which requires exclusion of staff and employees who are cases, contacts or carriers of communicable disease. The second sentence of the subsection is derived from S.C. §200 Reg. 22(f). The same provisions apply to the readmission of a school child as are set forth in section 45.09(b) for the return of a teacher after absence because of communicable disease; see notes to section 45.09(b).

It is to be noted that subsection (d) is made applicable to public and private high schools as well as elementary and junior high schools. Although this is a change in the code requirement, it does not change existing practices for readmission to high schools. For periods and terms of isolation and exclusion for communicable diseases, see Article 11.

§49.17 Medical records

The school physician or nurse shall keep a current cumulative medical record for each child. The record shall contain the following: the information required by section 45.19; all defects and data disclosed by the medical examination given pursuant to section 49.05(a) and by all subsequent examinations; and a history of all illnesses, accidents and other health data. The record shall be the property of the Department of Health but shall be kept in the custody of the school. When a child is transferred to another school in the City, whether elementary school, junior high school or high school, his medical record shall be forwarded to his new school. When a child is transferred to a school outside the City, his medical record shall be forwarded to his new school, if known, to the attention of the physician in charge of the school health service. A medical record which is not required to be forwarded to another school pursuant to this section shall be kept for at least five years after the child to whom the record relates leaves the school.

NOTES: The first two sentences of this section are derived from S.C. §200 Regs. 21(d) and 23(part); the remainder is new.

ARTICLE 51 CHILDREN'S INSTITUTIONS

Section

51.01 Scope
51.03 Permit
51.05 Permit; application, issuance and renewal
51.07 Admissions
51.09 Physical facilities
51.11 Sleeping accommodations
51.13 Clothing, equipment and furniture
51.15 Infant bathing and formula room
51.17 Outdoor play
51.19 Health and medical care
51.21 Medical records
51.23 Visitors

Introductory Notes

Article 51 covers the subject matter contained in S.C. §203 and Regulations thereunder, except for those portions which are integrated in Article 45.

The most important change in this article is the enlargement of the scope of the regulations, so as to apply to all children's institutions, including those providing permanent care, and not only to those providing care for children for periods up to three months, previously called "shelters". Institutions not incorporated pursuant to Social Welfare Law §35 are required to obtain permits from the Commissioner of Health (section 51.03). The admission procedures have been changed to conform to the 1955 amendment to Public Health Law section 2571 (section 51.07). The requirement for immunization against disease upon admission is expanded to include tetanus and poliomyeletis and, for children under six, pertussis and poliomyelitis (section 51.07). The ratios of required numbers of toilets and washbasins to the number of children in the institution has been increased considerably but is still less than the ratios suggested in the pamphlet issued by the State Department of Social Welfare entitled *Aims and Practices for Children's Institutions* (section 51.09). In line with the 1955 amendment to Public Health Law section 2574, the requirement of 600 cubic feet of air space in dormitories is eliminated. Another change will permit the institutions to use diaper services instead of requiring laundering on the premises (section 51.15). If an institution obtains all its formula milk from a holder of a permit issued pursuant to section 115.05 (formerly S.C. §174), it will not have to maintain a room for the preparation of formulas. But if it has a formula room it must be equipped and operated in the same manner as a formula room in a maternity and newborn service (section 51.15).

The provisions of Articles 45 and 51 relating to children's institutions are constitutional in that they are within the jurisdiction of the Board of Health (City Charter §558(c) and are not inconsistent with State law. See *In re Baker's Mutual Insurance Co. of New York*, 301 N.Y. 21, 92 N.E. 2d 49 (1950); *People v. Lewis*, 295 N.Y. 42, 62 N. E. 2d 702 (1945); *S. H. Kress and Co. v. Department of Health*, 283 N.Y. 55, 27 N.E. 2d 431 (1940); *Heller v. Department of Health*, 194 Misc. 96, 86 N.Y.S. 2d 419 (Sup. Ct. 1949).

Pursuant to the authority of Social Welfare Law §21, the State Board of Social Welfare adopted on August 1, 1952 and amended on December 29, 1955, rules and regulations having the force and effect of law governing institutions and agencies under private control, some relating to institutions receiving public funds and others relating to institutions not in receipt of public funds. Rules 10:4, 13:2 and 14:2 require compliance with the rules and regulations of the local board of health. Nothing contained in this article is in any way inconsistent or in conflict with the State Board of Social Welfare Rules. In addition, the State Board of Social Welfare has published a pamphlet entitled, *Aims and Practices for Children's Institutions*, which, although advisory in nature, may, upon failure to meet the prescribed standards, result in a revocation of a certificate of compliance and denial of State funds and even the closing of the institutions by revocation of the Board of Social Welfare approval. The State is presently in the process of revising its rules and regulations.

The Legislature did not intend to limit the power of the Board of Health when it enacted L. 1955 ch. 495 §4 which repealed and reenacted Public Health Law §2574 as follows:

> "Every institution caring for children referred to in this article shall comply with such orders, rules and regulations respecting water supply, milk supply, sewerage disposal, food handling, and other sanitary matters as are established by the state or local sanitary codes, rules or regulations."

The legislative history of the provision indicates that the change was intended solely to remove some anachronistic public health provisions from the law, and to substitute sanitary code provisions in matters of public health for laws enacted by the Legislature which are less readily changed and soon become archaic in this period of rapid advances in medical practice *1955 Legislative Annual, p.* 248.

It is to be noted that this Code does not regulate children's institutions in regard to staff (except for sections 45.09 and 51.19(a) which concern matters of health), program or finances which are left entirely to the Department of Social Welfare.

§51.01 Scope

The provisions of this article apply to all children's institutions, and the requirements of this article shall be in addition to the requirements to be met by children's institutions pursuant to Article 45.

NOTES: This section is new and serves as a general cross-reference to Article 45. As defined in section 45.01(c), the term children's institution includes institutions providing temporary or permanent care. Although certain institutions are not required to have a permit (sections 51.03 and 51.05), the provisions of this article are applicable to all children's institutions.

§51.03 Permit

No person shall operate a children's institution without a permit issued by the Commissioner. This section shall not apply to an institution which is duly incorporated in the State for the purpose of operating a children's institution and has a certificate of incorporation approved by a Justice of the Supreme Court and by the State Board of Social Welfare pursuant to Social Welfare Law section 35; except for the permit requirement such institutions shall, however, comply with the other provisions of this article.

NOTES: This section is new. It replaces S.C. §203(1) which required registration of shelters. Person is defined in section 1.03 as including a corporation or association.

§51.05 Permit; application, issuance and renewal

(a) An application for a permit to operate a children's institution shall include the following:

(1) The name and address of the institution;

(2) The name and address of the corporation, association, partnership or individual operating the institution and the names and addresses of its officers;

(3) A copy of the certificate of occupancy, or when such certificate is not required by the Administrative Code, a statement from the Department of Buildings that the premises comply with the applicable building laws;

(4) A statement from the Fire Department that the institution meets the requirements of all applicable laws and regulations pertaining to fire control;

(5) The maximum number of children to be admitted to the institution and the number of children under the age of two years, the number of children two years and over and under six years of age, the number of children six years and over and under 16 years of age; and,

(6) A sketch of the institution showing all of the rooms, including plumbing fixtures, exits and clothes closets, with their dimensions, and the use for which they are intended and the maximum number of children permitted in each room at any one time.

(b) An application for renewal of a permit shall include notice of any change which occurred since the submission of the previous application for a permit as to any information required to be submitted by subsection (a) of this section.

NOTES: This section is new. Only persons required to obtain a permit under section 51.03 have to submit the required information. See Article 5, General Permit Provisions, for other requirements on applications, fees, expiration, renewals, and revocation. Similar information was required to be submitted by shelters under S.C. §203 Reg. 1(a) and (b).

§51.07 Admissions

(a) Upon admission of a child, and before permitting him to come into contact with other children, the person in charge of the children's institution shall make inquiries whether the child is a case, carrier or recent contact of communicable disease. If there is reason to suspect that such child may endanger the health of the other children, he shall not be permitted to come into contact with them until a physician examines him and authorizes his release from isolation. Either immediately prior to admission or as soon as possible after admission, each child shall receive a complete medical examination by the institution's physician who shall furnish to the institution a signed statement containing a summary of the results of the examination, the past medical history, and if a disease or abnormal condition is found, recommendations for isolation or treatment of the child, or modification of his activities, or plans for the health supervision of a handicapped child.

(b) A child under six years of age who has not received prophylaxis against diphtheria, tetanus, pertussis and poliomyelitis, or a child six years of age or over who has not received prophylaxis against diphtheria, tetanus and poliomyelitis, when there are no medical contraindications, shall not be admitted to a children's institution unless he is immunized without delay.

(c) A child suffering from uncontrollable epilepsy, mental defect, or mental disturbances may be admitted if adequate care can be provided.

(d) The number of children admitted to a children's institution shall not exceed the maximum number for which the facilities and equipment of the institution are adequate under the provisions of this Code. In addition, in an institution under permit pursuant to section 51.05, the number of children in each age group shall not exceed the number prescribed in the permit.

NOTES: Subsection (a) is derived from S.C. §203 Reg. 20(a) with necessary changes so as to bring it into conformity with Public Health Law §2571 as amended by L. 1955 c. 495 sections 1 and 2.

Subsection (b) is derived in part from §203 Reg. 20(c)(part) which related only to prophylaxis against diphtheria and smallpox. Vaccination against smallpox is covered by section 45.07. The exception for medical contraindications is new.

Subsection (c) is new. S.C. §203 Reg. 20(b) excluded all such children from shelters; this subsection permits admission when adequate care is available.

Subsection (d) is new but is similar to S.C. §203 Reg. 3. The total number of children who may be admitted to any institution will depend upon the availability of required play space, sleeping rooms, toilets, baths and other facilities and equipment required by this Code. The last sentence applies only to institutions operating under a Department of Health permit.

§51.09 Physical facilities

(a) After the effective date of this Code, no children's institution shall be constructed, altered or renovated without the Department's prior approval of the plans and specifications.

(b) The minimum allowance of play space for each child in indoor playrooms shall be 30 square feet of wall to wall space.

(c) Data on the size and capacity of each room used by the children shall be kept by the person in charge of the institution and shall be subject to inspection by the Department.

(d) In a children's institution with capacity for 15 or fewer children, a minimum of two toilets and two wash basins shall be provided, and for every additional 15 children or fraction thereof in the institution, one additional toilet and one wash basin shall be provided. Urinals may be provided pursuant to section 45.11(i).

(e) One bathtub with an adequate supply of hot and cold running water shall be provided for every ten children. In a lavatory for children six years of age or over, showers may be substituted for bathtubs.

(f) Effective means of eliminating insects shall be provided.

NOTES: Subsection (a) is derived without substantive change from S.C. §203 Reg. 1(b)(3)(part).

Subsection (b) is derived from S.C. §203 Reg. 5 (c). The space requirement has been changed from "20 square feet of floor space" to "30 square feet of wall to wall space". See notes to section 47.13(a). The cubic foot provision is deleted as unnecessary.

Subsection (c) is derived without substantive change from S.C. §203 Reg. 2(e).

Subsection (d) is derived from S.C. §203 Reg. 11 (part), the remainder of which is found in section 45.11. This subsection requires two toilets for 15 children and three for 30, four for 45, etc. It requires the same number of wash basins as toilets. A chart based upon the requirements of this subsection is as follows:

Number of Children	Toilets	Wash Basins	Ratio
1—15	2	2	1:7½
16—30	3	3	1:10
31—45	4	4	1:11¼
46—60	5	5	1:12
61—75	6	6	1:12½

The previous requirement in S.C. §203 Reg. 11 called for a ratio of one toilet for every 15 children and one wash basin for every 30 children for children 2—6 years old, and for a ratio of one toilet for every 25 children and one wash basin for every fifty children in the case of children six years of age and over. Thus, if an institution has 75 children over six years of age, this subsection requires twice as many toilets and three times as many wash basins as were previously required. If it has 50 children over six years of age, it would need two and one-half times as many toilets and five times as many wash basins as previously required. For children under six years of age, the ratios have not changed as much.

For children's institutions, the State Social Welfare Board suggests the following standard in the pamphlet *Aims and Practices for Children's Institutions*:

Number of Children	Toilets	Wash Basins
1—4	1	1
5—8 or 10	1	2
Ratio:1:8 or 10		1:4

It will be noted that the State's ratio of toilets to number of children is much higher than the ratio perviously required under S.C. §203 Reg. 11, and even considerably higher than the ratio required by this subsection. Furthermore, contrary to the basis of the standard expressed in the prior S.C. §§198, 200 or 203 or in Articles 47 and 49 of the revised Code, the State requires twice as many wash basins as toilets. In New York City the requirement has usually been quite the opposite. The new standard set in section 51.09(d), that is, an equal number of toilets and wash basins, is peculiar to children's institutions and is not used for day care services or schools.

Subsection (e) is derived from S.C. §203 Reg. 11 (part). Children under two years of age are to be counted when determining the number of required bathtubs. The standard of age six for showers is new.

Subsection (f) is derived from S.C. §203 Reg. 13(f). The specification of screens and self-closing doors as the only means of keeping out flies is omitted. Also see Article 151, Rodents, Insects and Other Pests.

§51.11 Sleeping accommodations

(a) Children of different sexes six years of age and over shall not be permitted to sleep in the same room in a children's institution.

(b) No room used for sleeping shall have less than 70 square feet of wall to wall space. When beds are used the minimum space allowance for each child in a bedroom shall be 45 square feet of wall to wall space, and when cribs are used it shall be 40 square feet of wall to wall space.

(c) A separate, suitable metal bed, crib or bassinet shall be provided for each child. Multiple-decked beds shall not be used without the approval of the Department. The beds and cribs shall be placed at least two feet apart. Mattresses on beds used by children who are enuretic or who are under three years of age shall be covered with a moisture-proof material. Clean sheets and pillow cases shall be provided for each child and changed at least once a week and more often if necessary. Blankets which are sufficient to maintain adequate warmth shall be available for use by each child and shall be used when necessary.

NOTES: Subsection (a) is derived without substantive change from S.C. §203 Reg. 13(g).

Subsection (b) is derived from S.C. §203 Reg. 13 (i). The cubic air space requirement is omitted, and the requirement of 30 square feet of floor space for beds or cribs is changed to 45 square feet of wall to wall space for beds and 40 square feet of wall to wall space for cribs. In addition, no sleeping quarters may have less than 70 square feet of wall to wall space. The prohibition against sleeping rooms on the ground floor is omitted. On wall to wall space see notes to section 47.13(a).

Subsection (c) is derived from S.C. §203 Reg. 13 (h). Double decker beds are generally prohibited but can be used with the consent of the Department. Provisions have been added on the cleaning of sheets and the availability of blankets. Mattresses are required to be covered with moisture-proof material only when used by enuretic children or children under three years of age, and not in every case, as was previously required.

§51.13 Clothing, equipment and furniture

(a) Sufficient and suitable clothing shall be provided for each child in a children's institution. All clothing shall be thoroughly cleaned before being used for another child.

(b) Soiled diapers shall be rinsed immediately and placed in a covered receptacle designed for that purpose, which shall be emptied daily. Diapers shall be thoroughly cleaned before reuse. When diapers are laundered on the premises, suitable utensils shall be provided for thorough washing and boiling.

(c) A separate, easily accessible compartment and drawer shall be provided for the clothing and other belongings of each child.

(d) A toothbrush and comb shall be provided for the exclusive use of each child. There shall be facilities to keep separate the toilet articles of each child and for their proper cleaning. Toothbrushes, towels and washcloths shall be kept so that light and air can reach them. If individual hairbrushes are used, they shall be kept clean.

NOTES: Subsection (a) is derived from S.C. §203 Reg. 14 without change except for the addition of the word "suitable".

Subsection (b) is derived from S.C. §203 Reg. 15. It has been changed to allow a children's institution to use a diaper service instead of requiring diapers to be washed on the premises.

Subsection (c) is derived from S.C. §203 Reg. 13(c). The limitation of the requirement to children over six years of age is omitted and the words "easily accessible" are new.

Subsection (d) is in part derived from S.C. §203 Reg. 13(d)(part). The third sentence is new. The prohibition against the use of brushes is deleted and a provision requiring clean brushes is substituted, since it has been found impossible to train the hair of some children without their use.

§51.15 Infant bathing and formula room

(a) Individual bathing and diapering facilities and equipment shall be used for infants under the age of three months.

(b) When children under one year of age are cared for, and the institution does not obtain all its infant formulas from a holder of a permit issued pursuant to section 115.05, a separate formula room shall be provided which shall be equipped pursuant to section 41.25. Formulas shall be prepared pursuant to section 41.77.

NOTES: Subsection (a) is new.
Subsection (b) is derived from S.C. §203 Regs. 16 and 18(b)(part). It requires a separate formula room equipped in a manner required by the prior S.C. §110 Regs. 76 and 77; but, in the alternative it allows a children's institution to get formula milk from a permit holder under section 115.05, formerly S.C. §174, instead of maintaining its own formula room.

§51.17 Outdoor play

All well children shall have a daily period of outdoor play, except during inclement weather; the age and health of the children and the weather shall be considered in determining the length of the period of outdoor play. The children shall be dressed appropriately for the weather and temperature.

NOTES: This section is derived from S.C. §203 Reg. 12(part) but the exact length of time of outdoor play is not specified. For children under age six, three hours a day is recommended, and for older children, two hours a day is recommended. The last sentence is new.

§51.19 Health and medical care

(a) A children's institution shall have attached to its staff a licensed physician who shall visit the institution at least once a month. The Department shall be notified of the physician's name and address when he is appointed.

(b) Each child in a children's institution shall be thoroughly examined by the institution's physician, as follows:

(1) Every month, if the child is under one year of age;

(2) Every three months, if the child is one year or over and under two years of age;

(3) Every six months, if the child is two years of age or over and under five years of age;

(4) Once a year, if the child is five years of age or over and under six years of age;

(5) Twice between six and twelve years of age; and,

(6) Within ten days before the child is discharged from the institution.

(c) When a child presents a health problem, is injured, or becomes ill so as to require medical care, he shall be examined and treated by a physician and, if possible, his parents or guardian shall be notified immediately. If the necessary medical care or facilities cannot be provided at the institution, the child shall be removed to a hospital or other facility which can provide the proper care.

(d) In every infirmary in a children's institution, there shall be available a schedule of standing orders for the temporary care of ill children in the absence of a physician. Medication shall not be given except by order of a physician.

NOTES: Subsection (a) is derived without substantive change from S.C. §203 Reg. 21(a)(part). See section 1.03(j) for definition of licensed physician.

Subsection (b) is derived from S.C. §203 Reg. 21(a) but is considerably expanded.
Subsection (c) is derived without substantive change from S.C. §203 Reg. 21(b) and (c).
Subsection (d) is new. S.C. §203 Reg. 21(d) pertaining to reports and isolation of cases of communicable disease is covered by sections 11.03 and 11.57 and is therefore not repeated here.

§51.21 Medical records

(a) A current cumulative medical record shall be kept for each child. The record shall contain all defects and data disclosed by the medical examinations given pursuant to sections 51.07(a) and 51.19(b), and a history of all illnesses, accidents and other health data. The record shall be kept for at least four years after the child leaves the institution.

(b) When a child is transferred to another children's institution, a copy of his medical record shall be forwarded together with a current medical summary by the institution's physician, including a report of any treatment in progress or recommended treatment.

NOTES: Subsection (a) is derived without substantive change from S.C. §203 Regs. 20(a)(part) and 23(part).
Subsection (b) is new. A report of the child's past and present health condition will accompany him when he leaves the institution.

§51.23 Visitors

Visiting of children in children's institutions shall be encouraged by scheduling as many visiting hours during each week as possible without undue interference with the institution's program. When possible, a member of the professional staff shall be available to speak to parents and guardians during visiting hours. Visitors with evidence of communicable disease shall be excluded.

NOTES: The subject matter of this section is derived from S.C. §203 Reg. 22 but reflects a change of policy in regard to visiting in institutions. Under this section visiting is to be encouraged and the prohibition of visits by others than parents is deleted. The requirements for glass doors, close supervision during visiting hours, and the use of protective gowns are deleted.

ARTICLE 53 FAMILY DAY CARE

Section

53.01 Definition
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53.07 Certificate of approval; application, issuance and conditions
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Introductory Notes

Article 53 is new. It provides a program for the day care of children in small groups of not more than five in a home environment. The article establishes a procedure whereby persons who provide such family day care may voluntarily apply for a certificate of approval and a listing in the Department's registry of approved homes. The program is voluntary, except that only persons who hold a certificate of approval may give family day care to children under two years of age (sections 53.03 and 53.05). A person who holds a certificate of approval must maintain the standards required by this article (section 53.07(e)).

The new article reflects the policy that children under two years of age should be cared for in a home setting, rather than in a regular day care service. In addition, a certificate of approval cannot be issued to permit the care of more than two children under two years of age (section 53.07(c)).

Article 45 which contains general provisions applicable to day care services, schools and children's institutions does not apply to family day care. Therefore, the provisions for physical facilities, equipment and admissions applicable to family day care are found only in Article 53.

§53.01 Definition

When used in this article, family day care means the regular day time care of not more than five children apart from their parents or guardians, in the home of an unrelated family.

NOTES: This section is new. Aside from other differences, family day care is distinguished from a day care service regulated by Articles 45 and 47 in that the former means the care of fewer than six children while the latter covers six or more children. The article is intended to cover only "regular" day time care, that is, care on a continuing basis and not occasional baby sitting for a neighbor's children or other temporary arrangements.

§53.03 Certificate of approval; when required

No person other than a child's parent, stepparent, grandparent, brother, sister, uncle, aunt, first cousin, stepbrother, stepsister, niece, nephew, guardian appointed by a court, or an authorized public officer shall provide family day care, with or without compensation, for a child or children under two years of age without a certificate of approval issued by the Commissioner pursuant to section 53.07.

NOTES: This section is new. A person who is not within the degree of relationship here specified may not care for a child under two years of age without a certificate of approval. Note that a certificate of approval cannot be granted for the care of more than two such children under two years of age (section 53.07(c)).

§53.05 Certificate of approval; voluntary application

A person who provides or intends to provide family day care to not more than five children, two years and over and under 16 years of age, and who intends to comply with the provisions of this article, may voluntarily apply to the Department for a certificate of approval pursuant to section 53.07.

NOTES: This section is new. It provides for a voluntary program of application for certificates of approval.

§53.07 Certificate of approval; application, issuance and conditions

(a) An application for a certificate of approval shall include:

(1) The name and address of the applicant;

(2) The number and age range of the children for whom care is or will be provided; and,

(3) The names and addresses of three persons, not related to the applicant by blood or marriage, who know the applicant's character and reputation.

(b) A certificate of approval shall not be issued unless:

(1) The applicant and all members of the household are persons of good character, habits and reputation and the home conditions present a satisfactory family environment;

(2) The applicant and all members of the household are in good health and have no disqualifying physical, mental or emotional conditions. These facts shall be evidenced on the original application and, if required by the Department, on renewal applications by written statements signed by a physician and based upon complete medical examinations made within 90 days prior to the date of application. The examinations shall include laboratory tests when indicated and a chest x-ray of each person over 15 years of age taken by the Department or by a private physician. When X-ray films are taken by a private physician, they shall be properly identified and submitted to the Department together with certificates on forms furnished by the Department. When, in the opinion of the Department, an X-ray film is unsatisfactory or discloses a condition which cannot properly be evaluated on a single X-ray, the person to whom the X-ray film relates shall be further X-rayed and, if the Department requires, shall be given further periodic medical and laboratory examinations. After a certificate of approval has been issued, chest X-rays of the holder of the certificate and of all members of the household over 15 years of age shall be

taken whenever the Department requires for the protection of public health. The provisions of this subsection relating to chest X-rays taken in connection with an original application shall apply to such further chest X-rays;

(3) The applicant is under 60 years of age at the time of application. An applicant for renewal may be 60 years of age or over if she has held a certificate of approval prior to and continuously since her sixtieth birthday, but she shall submit biennially a written statement signed by a physician that she is in good health and has no disqualifying physical, mental or emotional condition; and,

(4) The applicant is in a reasonably secure financial position, does not work outside the home without the consent of the Department and does not conduct any business in the home or any homework which, in the opinion of the Department, may adversely affect the health of the children.

(c) A certificate of approval shall not be issued so as to allow more than two children under two years of age or more than five children under 16 years of age in the applicant's household, including the applicant's own children, children who are boarded out or placed out, and children receiving family day care.

(d) A certificate of approval shall be issued only to a woman. It shall be issued on a Department form and shall state the name and address of the person to whom it is issued, the number and ages of children for whom care is to be provided, and a statement to the effect that the person to whom the certificate is issued maintains an approved home suitable for the care of children.

(e) Sections 53.11 through 53.19 shall apply only to a person to whom a certificate of approval has been issued on a voluntary application and to a person required by section 53.03 to obtain a certificate of approval.

NOTES: Subsection (a) is new but is similar to S.C. §197 Reg. 1(b) which pertained to applications for boarding children. See Article 5, General Permit Provisions, for provisions on applications, expiration and revocation of certificates of approval.

Subsection (b) is new. Subdivision (1) is similar to S.C. §197 Reg. 3(a)(1), (2) and (3). Subdivision (2) is similar to S.C. §197 Reg. 3(a)(4). Subdivision (3) is similar to S.C. §197 Reg. 3(a)(5). Subdivision (4) is similar to S.C. §197 Reg. 3(b)(1). Note that unlike S.C. §197 Reg. 3(b)(1), subdivision (b) (4) of this section does not prohibit a woman from obtaining a certificate of approval solely on the ground that she receives public assistance.

Subsection (c) is new.

Subsection (d) is new and is similar to S.C. §197 Reg. 2(a)(part).

Subsection (e) is new. All holders of certificates of approval, on voluntary application, are required by this subsection to meet the standards imposed by this article. Also, a person required to obtain a certificate of approval by section 53.03 must meet the standards of this article even if such person does not obtain the certificate in violation of section 53.03. See Article 5, General Permit Provisions, for regulations governing applications, expirations, revocations and renewals of certificates of approval.

§53.09 Registry of approved homes

The Department shall maintain and may publish a current registry listing the approved homes of all holders of certificates of approval issued by the Commissioner.

NOTES: This section is new. It requires the Department to establish a registry of persons who have certificates of approval issued by the Commissioner. The registry will be open to inspection by the public, which will in fact be encouraged to ascertain the qualifications of persons who operate family day care homes. The Department is given specific authority to publish the list of approved homes.

§53.11 Admissions

(a) The Department shall be notified on a form which it shall provide whenever a child is admitted to or discharged from a family day care home and whenever there are significant changes in the membership of the household.

(b) The total number of children admitted and the number of children admitted in each age group shall not exceed the applicable number prescribed in the certificate of approval.

(c) A child shall be given a complete medical examination by a physician at the time of admission to a family day care home or within 30 days thereafter. A child shall be given such immunization and such further, periodic medical examinations as the Department may require.

NOTES: This section is new.

§53.13 Physical facilities and equipment

(a) Premises shall be kept clean, sanitary, safe, comfortable, in good repair and free of fire hazards. The premises shall be heated by adequate and safe apparatus and the minimum temperature required pursuant to section 131.03 shall be maintained.

(b) Rooms used by children shall be well lighted and ventilated and shall have at least 30 square feet of wall to wall space for each child. A child shall not be permitted to remain for any period of time in a cellar as defined in §C26-30.0 of the Administrative Code. A child shall not be permitted to remain for any period of time in a basement as defined in §C26-22.0 of the Administrative Code, except that basement play rooms which are dry and well lighted and ventilated may be used with the approval of the Department.

(c) A separate, firm, sanitary cot shall be provided for each child two years and over and under six years of age who spends more than four hours a day in the home. A separate, sanitary crib or bassinet shall be provided for each child under two years of age. Cots, cribs and bassinets shall be placed at least two feet apart unless separated by a screen or partition. Pillows and mattresses shall not be used on cots. A clean sheet shall be provided for the exclusive use of each child and a cot, crib or bassinet used by a child under three years of age or by an enuretic child shall be covered by a moisture-proof material. Blankets which are sufficient to maintain adequate warmth shall be available for use by each child and shall be used when necessary.

(d) Sufficient, safe play materials and equipment appropriate to the age of the children cared for shall be available for their use.

NOTES: Subsection (a) is new. It is similar to S.C. §197 Reg. 5(a), (b) and (c). See Article 131, Buildings Generally, for provisions applicable to heating, gas appliances and basement and cellar occupancy.
Subsection (b) is new and is similar to S.C. §197 Reg. 9(a) and (c).
Subsection (c) is new and is similar to S.C. §198 Reg. 4(b).
Subsection (d) is new.

§53.15 Diapers and clothing

(a) Soiled linens, including diapers and other infant clothing, shall be freed from fecal matter and then immediately placed in a covered receptacle provided for the purpose. If the linens are laundered on the premises they shall be thoroughly washed and cleaned in a manner acceptable to the Department.

(b) Sufficient and suitable clothing shall be available so that children who soil their clothing may receive a change. All such clothing shall be thoroughly washed after each use.

NOTES: Subsection (a) is new and is similar to S.C. §198 Reg. 4(f).
Subsection (b) is new and is similar to S.C. §198 Reg. 4(h).

§53.17 Supervision, food, rest and play

(a) A child in a family day care home shall not be left at any time without the competent adult supervision which a prudent mother would give to her own child.

(b) The food supplied to children shall be wholesome, of good quality, properly prepared and varied and sufficient in quantity according to a diet approved by the Department. Food shall be served to the children at intervals of no more than four hours. Proper refrigeration and storage of food shall be provided.

(c) The diet or feeding formula provided for a child under one year of age and the feeding schedule for such child shall be as prescribed by a physician. Formulae shall be prepared under sanitary conditions and the bottles, nipples, eating and cooking utensils used shall be properly cleaned and sterilized.

(d) Adequate periods of rest, sleep and indoor and outdoor play appropriate to the ages of the children shall be provided.

NOTES: Subsection (a) is new but is similar to S.C. §197 Reg. 8(c).
Subsection (b) is new. It is similar to sections 45.15(b) and 47.17(a).
Subsection (c) is new and is similar to S.C. §198 Regs. 5(c) and 11(2).
Subsection (d) is new and is similar to section 47.17(b) and (c).

§53.19 Health and medical care

(a) The person who provides family day care shall have on file written authorization from the parents or guardian of each child to obtain necessary emergency medical, surgical and dental care.

(b) When a child is injured or becomes ill under such circumstances that immediate medical care is needed, the necessary emergency medical care shall be obtained, and the parents or guardian of the child shall be promptly notified. The name, home and business addresses and telephone numbers of the parents or guardians and the name, address and telephone number of the physician or hospital to be called in an emergency shall be readily available.

(c) A child who is a case, carrier or contact or a suspected case, carrier or contact of communicable disease shall be isolated or excluded pursuant to Article 11 of this Code.

NOTES: This section is new. Subdivision (b) is similar to sections 47.19(b) and 49.15(b).

GUIDELINES FOR GROUP DAY CARE OF INFANTS

Approved February 1970
New York City Department of Health

New York City Department of Health

Guidelines for Group Day Care of Infants

Revision 2/70

1.0 Introduction

The Health Code of New York City covers how children over two years of age shall be cared for in day care centers in Article 45 and 47, and regulates the care of infants under two in Family Day Care situations in Article 53.

Increasing need for more supervised day care facilities for infants than have been developed thru family day care channels has led to the promulgation of the following guide for the day care of infants, two months and older, in group situations. The Guide does not recommend that group care supplant family day care for this vulnerable age group, especially for the two to six month old infant. Rather it is expected that the guide will permit agencies to develop group day care for infants in corollary with family day care, offering more flexibility to meet the particular needs of the infant and his family constellation.

This Guide delineates for the age group under two years the limited permit, group size and composition, staff, physical facilities and equipment and program considerations which differ from the Health Code provisions for children over two. The following Health Code regulations apply equally to both age groups:

Article 45 except 45.07
Sections 47.03, 47.05, 47.19 b & c
47.21 and 47.23

2.0 Permit Application, Issuance and Renewal

2.1 All of Section 47.05 (Health Code) shall apply.

2.2 The special permit issued by the Commissioner of Health for the group care of children under 2 years shall be for the period of one year. Daily attendance shall not be in excess of the number prescribed in the permit.

2.3 Each program will be re-evaluated by Consultants from the Health Department at three-month intervals or more often if indicated. There will be an over-all review at the end of the year to determine whether the special permit will be renewed.

3.0 Organization

Infant group programs will consist of at least 2 groups unless operated as an adjunct to an agency serving children from 2 to 6 years.

3.1 Group Size

The maximum number of children registered in one group is not to exceed ten of which no more than four should be from 6 months to 1 year. Infants ranging in age from 2 mos. to 6 months will be in a separate group with eight as the maximum number registered in one group. A constant staff member should be assigned to each unit of 4 infants under six months; this unit must consist of the same infants regularly.

3.11 Group Composition

It is suggested that the upper age level not be set rigidly at 2 years but that groups include an age range of 6 months to 2 or 3 years to provide more natural growth stimulation for each child. Whether grouping should cover a narrow or wide age range will depend primarily upon the individual needs of the children in the group and upon the availability for placement in the older age groups.

3.12 Groups with Infants - 2 mos. to 6 mos.

Any agency considering care of infants over 2 months and under 6 months of age at time of admission, must arrange special consultation with the Division of Day Care to plan further health supervision for separate smaller cohorts of infants.

3.2 Staff

The intent of the following staff pattern is to have the same persons regularly care for individual children assigned. This staff pattern is minimal. More staff is recommended as indicated. Every effort should also be made to keep the same substitutes on call to maintain continuity of staff.

3.21 Full-time Staff

An over-all director of the program is required in accordance with Article 3.23.

For each group (up to 10 children, ages 6 months and older) there must be at all times:

1 person in-charge
1 assistant

For each group (up to 8 children, under 6 months) there must be at all times:

1 person in-charge
1 assistant

3.22 Part-time Staff

Maintenance and Kitchen staff must be provided in addition to the foregoing personnel, to allow assigned staff maximal time for child caring activities.

Aides, Volunteers and other part-time personnel as necessary to assist full-time regular staff. For this category people in the older age groups, and those under 18 years should also be considered eligible.

Consultant Services: Arrangements for certain consultant services as necessary to complement the competence of the director and person in-charge should be delineated and confirmed in writing to the Health Department and should be subject to their approval. Such positions need not be on the payroll of the agency. They include:

Early Childhood Education
Nursing, with Pediatric or Public Health orientation
Pediatrics
Nutrition
Child Psychiatric Services
Psychology
Social Work

3.23 Staff Qualifications

Director: fully qualified and experienced in a child-caring profession with very young children: Early Childhood Education, Child Development, Pediatrics, Graduate Pediatric Nursing, Psychology, Social Work or Home Economics

Teacher (part-time): If the director is not an Early Childhood Education teacher, a part-time Early Childhood Education teacher must be employed to provide additional developmental and educational experiences for the children. (For qualifications see Article 47 of the Health Code)

Person In-Charge of Group - Mature, with child-care training; warm, experienced with relevant age level. Previous experience in a recognized child care agency would be helpful.

Assistant: At least 18 years old, warm and interested in young children. Particular consideration should be given to those with some prior training as mother's assistants, provider day care mothers, baby technicians, child care workers, etc.

Notwithstanding staff selection in accordance with the foregoing requirements, all staff working with children must be re-evaluated frequently, as their demonstrated continuing ability to work with children is intrinsic to to a favorable mental health climate.

4.0 Health Supervision

4.1 Personnel

4.11 All Provisions of Section 45.09 Shall Apply

4.12 The Department of Health may on indication require that the determination of the health and ability of any individual to carry out the responsibility of his assignments be based on history and medical examination.

4.2 Children

4.21 Children to be admitted shall receive a thorough medical examination within 30 days prior to admission, and a statement by the examining physician shall be furnished to the day care service covering a summary of the results of the examination, the past medical history and, if a disease or abnormal condition is found, recommendations for exclusion or treatment of the child, or modification of his activities, or plans for the health supervision of a handicapped child.

4.22 Children to be admitted shall receive prophylaxis against diptheria, tetanus, pertussis and poliomyelitis, smallpox and measles, where there are no medical contraindications, except that if his parents or guardians consent in writing to immunization, the child may be admitted and immunized according to the current schedule for immunizations issued by the Bureau of Child Health.

4.23 When a child who has been admitted is vaccinated for smallpox at any subsequent time he must be excluded from attendance until the vaccination scab has fallen off if there is any unvaccinated child in the same group who has skin lesions or a history of eczema.

4.24 Each child shall be given a complete medical examination by a physician and a careful assessment of developmental level every 3 months after admission while he is under 2 years of age.

4.25 Sub-section 47.19 b and c of the Health Code of New York shall also apply.

4.26 Records: A Health Supervision Record should be kept for each child; it should indicate:

1. Where child is registered for health care.
2. Dates on which he attended for care.
3. Date next appointment is due.
4. Status of immunization procedures, kept current.
5. Any specific recommendation by physician based on regular examination or examination for intercurrent illness.

The Department of Health will supply a Consultant Pediatrician to visit and orient staffs in how to appraise child development, and signs of illness in a young child, what daily health observations should be made, including developmental changes or emotional conflicts which may occur during the day, so that the mother can be alerted to these situations.

4.27 Each agency shall have a plan, confirmed in writing, for handling of acute medical care as well as on-going supervision. The Health Department will cooperate in fostering arrangements for total health care with community health resources.

4.28 Nutrition: Sufficient, nourishing food following a diet acceptable to the Department shall be provided for the children. A Consultant Nutritionist from the Health Department will evaluate menus and diet plans.

It is recommended that whole homogenized milk be used for the age groups over 6 months obviating need for formula preparation at the day care center, or for transportation and storage of formula from home which is hazardous. Milk will be poured into clean bottles or cups depending on age of child immediately prior to a feeding and excess discarded after each feeding.

For groups of infants between 2 and 6 months, the following methods will meet the requirements for safe formula.

1. Separate formula room which is equipped pursuant to section 41.21 and formulas prepared pursuant to section 41.77.
2. Use of approved prepared formulas obtained from a holder of a permit issued pursuant to section 115.05.
3. In certain programs such as those offering child care training to young mothers preparation of formula for her own infant by the mother at the center under direct supervision of qualified staff.

None of these requirements need apply when the infant is on homogenized milk.

5.0 Operation

5.1 Admission procedures should provide necessary information about the child for those who will have the direct responsibility for the child's care. There should be discussion with the mother as to the suitability of her plans for the infant's care with respect to the center's hours of operation, etc. Alternatives to group care such as family day care, should also be considered.

The Department of Health will provide samples for interviews and questionnaires relating to infants, specific habits of eating, sleeping, toileting, developmental level, communication, comforting and favorite playthings.

5.2 Length of Day: The maximum length of any infants stay at the day care center should not exceed 10 hours - shorter periods are desirable, and should be arranged if a responsible adult in the family other than the parents can with prior authorization pick up the infant. It is understood that day care is provided during the day, a 10 hour period within the hours of 7 a.m. and 7 p.m.

5.3 Program

Evidence of inclusion of the following items necessary to normal child development must be in the written plans, and observed in operation.

Constancy of the child-caring person: Within the limits of feasibility for staffing patterns, there should be maximal efforts to have the same person care for the child. This is of major importance in reducing the young child's exposure to possible illness, as well as to the child's need to feel secure.

Need for physical contact and comforting, as in holding the baby comfortably in the arms for feeding, calming and reassuring after tears.

Talking with child during routine child-caring activities and play.

Variety of experience: Beyond earliest infancy even the 3 or 4 month old infant responds favorably to occasional changes of location or position as in reclining baby seats, carriages, playpen, or baby walkers. For those above 6 months there should also be opportunity to move about the room freely.

Provision for time outdoors adds to the experience of the growing child. Where there are two or more groups, additional group activities should be provided for the older children in the groups in a separate room. In addition to providing appropriate group activity, this will also allow time and space for the youngest children to move about more freely, get help with walking and individual feeding, and be in a quieter place for a brief time.

5.4 Parent Participation

Involvement of the parents at all levels including policy making, can help them see day care as an extension of the care they themselves are giving the child at home.

5.5 Training

The Health Department will cooperate in developing training programs both preparatory and in-service for day care personnel taking care of infants, including other categories, e.g. ancillary staff such as volunteers, maintenance workers, etc.

6.0 Facilities & Equipment

6.1 All sections under 45.11 and 45.13 (Health Code) pertinent to children under 2 years apply.

6.2 Use of attractive architectural design, color and decorative arrangement is an essential consideration in the effective use of space.

6.3 Space: The minimum space required is 40 square feet per child; however, if larger cribs are used for children under six months, 50 square feet is recommended.

For existing facilities use floor to ceiling partitions creating individual rooms for each group where architecturally feasible. In situations where such partitioning is impractical because of lighting, ventilation, heating or plumbing, 6 foot partitions (above adult eye level) are acceptable.

6.4 Provision for Napping: A separate sleeping arrangement must be provided for each child; for the younger infants (under 1 year) this will mean a crib. Portable cribs and smaller cribs are ideal as they allow more space when not in use for ambulatory activities. For the 1 & 2 year olds sleeping may be comfortably provided in either appropriately padded playpen or separate firm sanitary cots. Use of the latter allows more play space when cots are not in use. There shall be at least 2 feet of space between cribs, cots or playpens. Pillows shall not be used. A clean sheet shall be provided for the exclusive use of each child and blankets as necessary.

6.5 Diapering and Toileting: for each individual group area or room, a firm, counter-height surface should be provided for diaper changes; a sink with running water should be immediately adjacent. Where the sink is not located in immediate proximity, another hand-washing arrangement must be provided at the diaper change area. A small covered diaper container, with disposable plastic liners which can be tied at the top for easy removal, should be available at the diaper change area.

Disposable wash cloths and diapers are recommended; the cost involved is outweighed by eliminating diaper rinsing and sterilizing, and reduction of cross infection. Other toileting equipment such as potty chairs as necessary to the training level of the infants in the group must be provided. All such equipment must be completely washable.

6.6 Kitchen and Food Storage Areas: All provisions of the Health Code Section 45.15 shall apply.

6.7 A list of appropriate equipment (educational, play and other) is available from the Division of Day Care of the Department of Health.

DAY CARE CENTERS

– Rules of the New York State Board of Social Welfare

– Regulations of the New York State Department of Social Services

New York State
Department of Social Services
1450 Western Avenue
Albany, New York 11203

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INTRODUCTION

When children are cared for away from their own homes for part of the day, it is important that they be properly protected, since they are too young to protect themselves. This is the fundamental reason for the Day Care Centers Rules and Regulations.

Children also need educational and developmental experiences that will promote healthy growth and the Day Care Centers Rules and Regulations will encourage movement toward this goal.

In the near future, the New York State Department of Social Services will issue recommendations to accompany these rules and regulations. These recommendations will present additional data on standards for sound day care service.

Persons interested in learning more about the legal requirements for day care in New York State can obtain information from the New York State Department of Social Services.

Rules and Regulations:

DAY CARE CENTERS

NOTE: The numbering used in the text corresponds with the numbering of the rules of the Board of Social Welfare and the regulations of the Department of Social Services.

Definitions

Rule 12.1

(a) As used in Section 390 of the Social Services Law, day care of children shall mean care provided for three or more children away from their own homes for less than 24 hours per day in a day care center which is operated for compensation or otherwise for more than five hours per week.

(b) As used in this Part and in Part 451, *infra,* day care in a day care center shall mean day care of seven or more children provided by any individual, association, corporation, institution or agency, provided however, that day care in a day care center shall not include care provided children in:

(1) A day camp as defined in the State Sanitary Code (10 NYCRR, Chapter I)

(2) A kindergarten or nursery school operated by a school or academy that is providing elementary or secondary education or both, in accordance with the requirements of the Education Law as to compulsory education; and

(3) An after school program operated for the primary purpose of providing religious education.

Operation

Rule 12.2 A day care center shall at all times be operated in compliance with the rules in this Part and with the applicable regulations of the department.

Application for Permit

Rule 12.3 An application for a permit to operate a day care center shall be made to the department in the manner prescribed and on forms furnished by the department.

Conditions, Duration, Revocation of Permits

Rule 12.4

(a) Conditions for issuance. A permit shall be issued for a day care center only when:

(1) The director or other person in charge and all persons caring for the children have attained the education, training and experience required by this Part;

(2) All personnel are of such character and possess such habits and reputation as will not be deterimental to the children;

(3) The fitness of the director or other person in charge and of all regularly employed or assigned staff caring for the children to fulfill their respective responsibilities is attested by references satisfactory to the department;

(4) The applicant has submitted a sketch or plan of the premises showing:

(i) all of the rooms in the day care center, their dimensions and the uses for which they are intended;

(ii) the outdoor play space, its dimensions and location in relation to the indoor premises;

(5) The applicant has submitted:

(i) a statement of the purposes for which the day care center is to be operated;

(ii) a description of the program of the indoor and outdoor activities proposed to be conducted;

(6) In the case of a non-profit membership corporation, corporate authority to establish, operate and maintain a day care center for children has been obtained with the written approval of the State Board of Social Welfare;

(7) Plans and designs for the construction, addition or substantial modification of the buildings or parts of buildings to be used in the operation of the day center have been approved in writing by the department;

(8) There is satisfactory evidence of:

(i) interest in and ability of staff members to care for children;

(ii) finances sufficient to operate properly and in accordance with the rules in this Part, including, but not limited to, a projected annual budget showing anticipated operating expenses and income, and other financial records;

(iii) staff having good physical health, with no communicable disease or disqualifying physical, mental or emotional handicap. Physical fitness shall be shown by a certificate from a physician at the time of application;

(iv) compliance with all applicable local building, fire and zoning regulations or ordinances;

(v) compliance with the rules in this Part and with the applicable regulations of the department.

(b) Duration; revocation. A permit shall be valid as stated therein for one year or less from date of issuance and only for quarters then occupied, and may be revoked at any time for noncompliance with this Part or with the applicable regulations of the department or for other just cause.

(c) Display. The permit shall be prominently displayed in the day care center.

(d) Boarding home care. A permit shall not be issued to any applicant who provides boarding home care for children in the premises proposed to be utilized as a day care center.

(e) New application. A new application for a permit shall be submitted to the department when there is a change in the name, address or proprietorship of a day care center, when reinstatement of a withdrawn application is sought, or when a permit is sought following the department's revocation of or refusal to renew a permit.

(f) Provisions. The provisions specified on the permit shall be binding on the day care center. The number of children specified on the permit shall be the maximum number of children who may be in the care of the center at any one time.

(g) Expansion. No day care center may expand its services or increase its capacity unless it is in compliance with the rules in this Part and with the applicable regulations of the department.

(h) Fees. There shall be no fee or charge for the issuance of a permit.

(i) Transfer. A permit shall not be transferrable to any other individual, association, corporation, institution or agency.

Physical Plant

Rule 12.5

(a) All buildings, premises, equipment and furnishings used for a day care center shall be safe and suitable for the comfort and care of the children and shall be provided and maintained in a good state of repair and sanitation.

(b) There shall be no construction, addition, substantial modification or change in occupancy of buildings or parts of buildings used or to be used in the operation of a day care center except upon plans and designs approved in writing by the department.

Regulation 451.1

(a) Rooms to be occupied by children shall have:

(1) Adequate light and ventilation;

(2) A temperature of at least 68 degrees as measured by a thermometer located not more than three feet from the floor;

(3) Adequate protection against insects. All windows and doors shall be effectively screened, openable and shall be equipped with appropriate safety devices where necessary.

(b) Adequate floor space shall be provided. 35 square feet for each child, exclusive of halls, bathrooms and kitchens, shall be deemed adequate. Space shall be provided sufficiently large and so arranged that each child's outer garments may be hung separately.

(c) Equipment and furnishings.

(1) A firm, sanitary crib, cot or bed of adequate size shall be provided for each child under five years of age who spends more than 4 hours per day at the day care center and for any other child requiring a rest period. No crib, cot or bed shall be occupied by more than one child.

(2) Beds, cribs or cots shall be placed so as to provide at least two feet of space on all sides except that adjacent to a wall.

(3) Individual sanitary bed covering sufficient to maintain adequate warmth shall be available for each child and shall be used when necessary.

(d) Toilet facilities.

(1) Convenient, adequate and sanitary toilet facilities shall be provided for the children in a separate, properly ventilated room.

One sanitary toilet and one sanitary wash basin for every group of 15 children or part thereof shall be deemed adequate.

(2) Separate toilet facilities shall be provided for the day care center staff and employees.

(e) Outdoor play space. Adequate, available and readily accessible outdoor play space shall be provided. Such play space shall be free from conditions which are or may be dangerous to the life or health of the children.

(f) Day care centers providing care for more than thirty children shall provide an adequately equipped separate staff room.

(g) Adequate office space shall be provided.

(h) A separate room or adequately partitioned space shall be provided for the purpose of isolation of children who are ill or who have symptoms of illness.

Admission of Children

Rule 12.6

(a) No child shall be accepted for care unless:

(1) The director of the day care center has determined that admission meets the needs and interests of the child and his family and of the group to which the child will be assigned; and

(2) Such child has received a complete medical examination by a physician within 30 days prior to admission or shortly thereafter, and a written statement signed by the examining physician has been furnished to the day care center giving assurance that the child:

(i) is free from contagious or communicable disease; and

(ii) has received prophylaxis against smallpox, diphtheria, tetanus, pertussis, poliomyelitis and measles, when there are no medical contraindications.

(b) No infant less than eight weeks of age shall be admitted for care.

(c) Children under three years of age shall be admitted for care only in accordance with the provisions of section 12.14, *infra.*

Regulation 451.2

(a) No child shall be accepted for care unless:

(1) A written agreement has been made between the day care center and the parents, guardian or person having legal custody of the child setting forth the fee, if any, to be charged for the day care services, the manner of payment and the services to be provided therefor;

(2) Authorization in writing has been obtained from the child's parent or guardian for emergency medical treatment and surgery in the event such parent or guardian is not available when such treatment or surgery is needed;

(3) A written statement has been obtained from the child's parent, guardian or person having legal custody containing the name and telephone number of the child's physician or medical service, instructions on action to be taken in event of an emergency, the names, addresses and telephone numbers of the child's parent or guardian and any special instructions regarding the care of the child that may be necessary or helpful.

(b) Children requiring an unusual amount of care or attention because of a mental or physical condition shall be admitted only in day care centers designed to care for such children.

Sanitation

Rule 12.7

(a) All rooms, outdoor play space, equipment, supplies and furnishings shall be kept clean and sanitary at all times. The day care center and its premises shall be kept free from dampness, odors, vermin and the accumulation of trash.

(b) Each day care center shall comply with the requirements of State and local departments of health. Adequate and safe water supply and sewage facilities shall be provided and shall comply with State and local laws.

Regulation 451.3

(a) The floors and walls of all rooms shall be kept clean and in good condition. All concrete floors used by children shall be covered with an appropriate material.

(b) Garbage receptacles, covered and of adequate size, shall be provided and the contents removed from the kitchen at least daily. The receptacles shall be cleansed after emptying. Trash or garbage shall not be stored in rooms ordinarily occupied by children, outdoor play areas or in accesses thereto.

(c) Individual drinking cups, disposable paper cups or bubbler fountains of the angle jet type shall be provided.

(d) Provision shall be made for the proper washing of dishes and cooking utensils.

(e) A constant supply of hot water shall be available.

(f) Toilets and wash basins shall be readily accessible to playrooms and outdoor play area. Toilet seats shall be of an open sanitary type.

(g) The use of common washcloths, towels, combs and hairbrushes shall be prohibited.

(h) Sufficient and suitable clothing shall be available so that children who soil their clothing may receive a change. All such clothing shall be thoroughly washed after each use.

Safety Precautions

Rule 12.8

(a) Suitable precautions shall be taken to eliminate all conditions which may constitute or create a fire or safety hazard.

(b) Fire detection, alarm and fire fighting equipment, appropriate to the type of building construction, size and height of building, and occupancy, shall be provided.

(c) The day care center shall obtain a fire inspection annually by local or state fire officials, and a record thereof shall be kept. A qualified staff member shall conduct monthly inspections of the premises to observe possible fire hazards. Any such hazards shall be corrected immediately.

(d) A written plan shall be developed for the emergency evacuation of children from the premises and a subsequent roll call. All staff shall be given instructions as to their specific responsibilities in the event of fire. Primary emphasis shall be placed on the immediate evacuation of the children.

(e) Fire drills shall be carried out pursuant to the recommendations of the local fire department, but in no event less than once each month, and a record thereof shall be kept.

(f) Children shall be cared for only on such floors as are provided with readily accessible alternate means of egress which are remote from each other.

Regulation 451.4

(a) Fire detection, alarm and fire fighting equipment shall be provided and shall include:

(1) An adequate number of fire extinguishers;

(2) An automatic fire detection alarm system throughout exitways, boiler rooms and any other unsupervised spaces within the building having fire hazardous contents. Such system shall be the heat or smoke sensing type or water sprinkler.

(b) All fire detection, alarm and fire fighting equipment shall be tested and maintained in good working condition, and staff shall be instructed in its function and operation.

(c) The day care center shall be equipped with a first aid kit which shall be kept adequately stocked for emergency treatment. First aid supplies shall be kept in a clean container in a locked cabinet.

(d) All flammable liquids, cleaning supplies, detergents, matches, lighters and any other such items which may be harmful to children shall be kept in a locked cabinet. Flammable liquids shall be stored in approved self-closing safety cans.

(e) Toxic paints or finishes shall not be used on walls, window sills, beds, toys or any other equipment, materials or furnishings which may be used by children or within their reach.

(f) Peeling or damaged paint or plaster shall be repaired promptly to protect children from possible lead poisoning and other hazards.

(g) Any pet or animal on the premises, indoors or outdoors, shall be in good health, properly cared for, and known to be a friendly, suitable pet for children.

(h) Electrical heaters or other portable heating devices shall not be used in rooms accessible to children regardless of the type of fuel used. Heaters or furnaces contained in other rooms shall be separated from the areas accessible to the children by approved fire resistant material in the walls, ceilings, connecting doors and door frames. Furnace rooms shall not be utilized for the storage of combustible materials.

(i) All corridors and approaches to fire escapes and other exits shall be kept unobstructed at all times.

(j) Exit stairways shall be enclosed with fire resistant walls, doors, and door frames and shall be equipped with low banisters for the use of children.

(k) The day care center shall be provided with a listed telephone for general use and emergencies, and there shall be conspicuously posted nearby, appropriate telephone numbers and instructions for obtaining fire, police and medical assistance.

Health Services

Rule 12.9. It shall be the responsibility of the day care center to assure the health of the children and the safety of the environment. The day care center shall have a written plan describing its medical and health policies and procedures which shall be interpreted to all the personnel of the day care center. Such plan shall be frequently and regularly reviewed by a physician.

Regulation 451.5

(a) Each child accepted for care shall have a complete physical examination, including appropriate vision screening, audio testing, laboratory tests as indicated, a dental examination, and an initial appraisal of his health and development, prior to admission or shortly thereafter, which shall be properly recorded.

(1) Each child shall have subsequent complete medical examination upon intervals appropriate to his age and according to his needs and a physician's advice, which shall be properly recorded;

(2) Each child shall have subsequent dental examinations upon intervals appropriate to his age and according to his needs, which shall be properly recorded.

(b) The nonprofit day care center shall assist the parents, guardian or other person having legal custody of the child to plan and carry out a program for medical and dental care of the child as necessary.

(c) A health check of each child shall be made daily by a responsible person who is familiar with the child and who is competent to recognize symptoms of illness and communicable disease.

(d) Advance arrangements shall be made for the care of any child who has or develops symptoms of illness or is injured. Such arrangements shall include notification of the child's parents, guardian or other person having legal custody, and provision for emergency medical care or first aid. If a child should have or develops symptoms of illness, he shall be isolated from the other children until he is seen by a physician or removed from the day care center. In the event of an accident or illness requiring immediate medical care, the director of the day care center or other person in charge shall be responsible for securing such care and notifying the parents, guardian or person having legal custody of the child. There shall be an understanding with such person or persons that an ill child shall be removed as soon as possible upon the request of the day care center and shall not be readmitted until it is determined upon physician's assurance that he is free from communicable or contagious disease.

(e) Children shall not be administered any medication, prescription or otherwise, or variation in diet and special medical procedures shall not be carried out, except upon the written order of a physician. Medication shall be carefully labeled with the child's name, kept beyond the reach of children, and returned to the parents, guardian or person having custody of the child when no longer needed.

(f) All staff of the day care center shall be made aware of the hazards of infection and accidents and of the means to minimize such hazards. Staff shall be trained to recognize symptoms of illness requiring medical care.

(g) A continuing individual medical and health record shall be maintained for each child and for each staff member who has contact with the children.

(h) A rest period of at least one hour daily, taken on a bed, cot or crib, shall be provided for each child under the age of five years who spends more than four hours per day at the day care center and for any other child requiring a rest period.

(i) Supervised outdoor play, for at least one hour for each half day in care shall be required for all children in the day care center, except during inclement weather or unless otherwise ordered by a physician.

Social Services

Rule 12.10

(a) The requirements contained in this section shall not apply to proprietary day care centers.

(b) The day care center, either directly or through another agency, shall provide necessary social services to the children therein. Such services shall be provided under the supervision of trained or experienced staff.

(c) Appropriate information as to the family background and the individual capabilities and limitations of each child shall be obtained to assist in the introduction and participation of such child in the program of the day care center.

(d) The day care center shall make available to the child and his family, counselling and guidance to help determine the appropriateness of day care for the child in a day care center and the possibility and desirability of alternative plans for care. Provision shall be made for referrals to other services which may be needed by a child and his family.

(e) Provision shall be made for continuing assessment with the parents, guardian, or other person with legal custody, of the child's adjustment in the day care program and of the child's family situation.

(f) The day care center shall establish procedures for coordinating its program and cooperating with other organizations offering those social services which may be required by the child and his family.

Dietary

Rule 12.11 The day care center shall provide plentiful and nutritious meals and snacks which shall be prepared in a safe and sanitary manner and served at appropriate intervals.

Regulation 451.6 The day care center shall obtain the counsel of a qualified nutritionist.

(a) If a child is in the day care center for more than four hours per day, he shall be served a hot meal which shall supply at least

one-third of the child's daily food requirements and meet the nutritional standards recommended by the National Research Council.

(b) If a child is in the day care center for more than ten hours per day, he shall be served two meals in addition to snacks, of which at least one other than breakfast shall be hot, which shall supply at least two-thirds of the child's daily food requirements and meet the nutritional standards recommended by the National Research Council.

(c) The day care center shall provide mid-morning and afternoon snacks of adequate nutritive quality which shall include fruit or fruit juice of high Vitamin C content, or milk, and crackers or the nutritional equivalent thereof.

(d) Menus shall be:

1. Prepared in advance.
2. Dated and posted.
3. Recorded and available for review by the department.

(e) The children shall be seated comfortably at meals with sufficient arm room to manage food implements and eating utensils.

(f) Eating utensils shall be of such size and design that the children can handle them easily.

(g) Sufficient time shall be allotted for meals so that the children will not be hurried.

(h) The children shall be encouraged to eat the food served, but shall not be subjected to coercion or forced feeding.

(i) Children who have not had opportunity to learn how to handle food with standard table service and who display poor eating habits and manners shall be treated in a manner that will not embarrass them or subject them to the scorn of the other children, and efforts shall be made to train them in good eating habits and manners.

(j) Milk shall be kept at a temperature below fifty degrees Fahrenheit. All perishable foods shall be kept refrigerated, and the refrigerator shall be equipped with a thermometer.

(k) Provision shall be made for proper food service to children in need of medically controlled diets.

Staff

Rule 12.12

(a) The day care center shall employ or have available such staff and professional services as will promote the physical and emotional well-being of the children therein. Educational activities shall be under the supervision and direction of a staff member trained or experienced in child growth and development.

(b) Staff members shall be qualified by training or experience to carry out their respective functions in the administration, operation and maintenance of the day care center.

(c) All staff, including temporary staff and volunteers, who have contact with children or whose duties include food handling, shall have a physical examination by a physician prior to employment and at least annually thereafter.

(d) Tuberculin tests or chest X-ray shall be required annually for such staff and volunteers.

(e) Such staff, including temporary staff and volunteers, shall be immunized against smallpox.

(f) No person shall be on duty in the day care center while he has symptoms of respiratory, gastro-intestinal or skin infection, or any other communicable disease.

Regulation 451.7

(a) The day care center shall have written personnel policies and the duties of each position shall be defined in writing.

(1) Work loads and assignments shall be such as to enable the staff members to fulfill their respective responsibilities.

(2) The day care center shall provide staff supervision and in-service training necessary to assist the employee in carrying out his responsibilities.

(3) Staff members shall have no other employment or responsibility, within or away from the day care center, which may adversely affect the care of the children or the efficient administration or operation of the day care center.

(b) Personnel employed by a day care center in receipt of public funds shall meet the qualifications required by this section.

(1) *Director.* The director of the day care center shall be a person of integrity, maturity and sound judgment, capable of providing leadership and direction to the staff in developing and maintaining a constructive approach to children. The director shall be able to work cooperatively with other members of the staff, with children and their parents.

(2) ***Person responsible for daily program activities.*** . The person responsible for directing, developing and supervising the daily activities of children on a full or part-time basis shall be a mature person over the age of 21 years, qualified in early childhood education and with substantial experience in working with groups of children.

(a) If employment begins after January 1, 1972, such person shall be a graduate of an accredited college or university with a major in early childhood education.

(b) After January 1, 1972, no person responsible for daily program activities may serve more than 5 day care centers.

(c) The positions described under Section 451.7(b)(1)(2) may be held by the same person provided that the qualifications set forth in these sections for the positions have been met.

(3) *Heads of groups.* The head of a group shall be responsible for conducting the daily program activity of a group of children, and for directing the activities of the group assistants or aides. This employee shall be at least 21 years of age, except when qualified by appropriate degree or certificate, with good physical and mental health, of good character and shall possess suitable personal qualifications for working with children.

(a) If employment begins after January 1, 1972, the head of a group shall be a high school graduate and shall have appropriate experience in working with groups of children. Persons employed as the head of a group prior to January 1, 1972 who do not meet these qualifications may continue to be employed in such position in the same or any other day care center after such date.

(b) If employment begins after January 1, 1975, the head of a group shall be a high school graduate and shall have had a minimum of 12 semester hours in early childhood education offered by an accredited college or university. Persons employed prior to January 1, 1975 who do not meet these qualificaations may continue to be employed in such positions in the same or any other day care center after such date.

(4) *Group assistants.* Assistants to the head of a group shall be at least 21 years of age, except when qualified by appropriate degree or certificate, with good physical and mental health, of good character, and possess suitable qualifications for working with children. They shall be capable of supervising a group independently for brief periods of time with direction from the head of the group.

(5) *Group Aides.* A group aide shall be at least 17 years of age, mature and literate, with good physical and mental health and good character and shall possess a suitable personality for working with children.

Supervision

Rule 12.13

(a) There shall be a director in charge of the day care center to supervise and direct activities. There shall be a responsible adult available at all times to substitute for the director when the director is away from the premises.

(b) There shall be an adequate number of qualified staff members on duty during the hours the day care center is in operation.

(c) Children shall not be left without competent supervision at any time. No person under eighteen years of age shall be left in full charge of children at any time.

Regulation 451.8

(a) The director shall not serve as the head of a group when there are more than forty children enrolled in the day care center.

(b) Each group of children three years of age and over shall be assigned a full-time head of group and group assistant or group aide. A qualified substitute shall be provided for an absent staff member.

(c) There shall be a staff member on duty in the room during the children's nap periods.

(d) Maximum size and maximum ratio of children therein to child care staff supervising such group, according to the age of the children, shall be as follows:

Age	*Maximum group size*	*Maximum ratio children to child care staff*
three-year-olds	15	5 to 1
four and five-year-olds	20	7 to 1
six to fourteen-year-olds	25	10 to 1

(e) No child shall be released from the day care center to any person other than his parent, guardian, lawful custodian or person previously designated thereby in writing. No child shall be released to return home unsupervised except upon instructions of his parent, guardian or lawful custodian, acceptable to the day care center taking into consideration such factors as the child's age and maturity, proximity of his home, and safety of the neighborhood.

Special provisions for the care of children under three years of age

Rule 12.14

(a) As used in this section infants shall mean children over eight weeks but under three years of age.

(b) A day care center providing care for infants shall comply with the requirements contained in this section and in section 451.9, *infra,* in addition to the requirements contained in the other sections of this Part and of Part 451, *infra.*

(c) Separate quarters or area apart from that of the older children shall be provided for infants.

(d) There shall be a registered professional nurse available to advise as to the general care of the infants and to instruct staff on the proper techniques required to preserve the health and general welfare of the infants. A registered nurse shall visit the premises at least once each week during the hours of operation and shall remain as long as may be required to observe and assure that the infants are being provided proper care. Additional visits shall be made as often as circumstances may require.

(e) Each infant accepted for care shall have a complete medical examination by a physician within thirty days prior to admission.

(1) A statement shall be obtained by the day care center from the examining physician, which shall include a summary of the results of the examination, the past medical history and, if a disease or abnormal condition is found, recommendation as necessary for exclusion or treatment of the infant or modification of his activities or suggestions for health supervision in the case of a handicapped infant.

(2) The medical examination shall be given within fifteen days prior to admission in the case of an infant under six months of age.

(3) Infants shall receive prophylaxis against smallpox, diphtheria, tetanus, pertussis, poliomyelitis, and measles, when there are no medical contraindications, provided however that if the infant's parents or guardian consent in writing therefor, the infant may be admitted and immunized according to the current schedule for immunizations recommended by the department of health.

(4) Infants and children recently vaccinated against smallpox shall be kept separate from the other infants and children (except for other children also recently vaccinated) until such time that the vaccination is completely healed.

(5) Each infant shall be given a periodic complete medical examination and an appraisal of his development by a physician.

(6) A health supervision record shall be kept for each infant.

Such record shall indicate:

- (i) where the infant is registered for health care;
- (ii) dates on which such care was received and the nature of the care;
- (iii) current status of immunization procedures;
- (iv) recommendations of a physician based on regular examination or examination for illness; and
- (v) staff observations of the infant's physical and developmental status.

Regulation 451.9

(a) As used in this section infants shall mean children over eight weeks but under three years of age.

(b) Infants eighteen months to three years of age shall be cared for in groups not to exceed ten infants in each group. If the group consists of more than five infants eighteen months to three years of age there shall be a full-time assistant to the person in charge of the group.

(1) The person in charge of each group of infants eighteen months to three years of age shall be a head of group meeting the qualifications required by section 451.7, *supra*.

(2) The group assistant shall be at least eighteen years of age and shall have a suitable personality and an interest in infants.

(c) Infants under eighteen months of age shall be cared for in groups not to exceed eight infants in each group. If the group consists of more than four infants under eighteen months of age there shall be a full-time assistant to the person in charge of this group.

(1) The person in charge of each group of infants under eighteen months of age shall be a head of group meeting the qualifications required by section 451.7, *supra*, or a mature adult with suitable formal training in the care of infants or experience in such care with an authorized child care agency.

(2) The group assistant shall be at least eighteen years of age and shall have a suitable personality and an interest in infants.

(d) Play areas, apart from sleeping quarters, shall be provided where the infants may comfortably and safely sit, crawl, toddle, walk and play. A minimum of thirty-five square feet per infant shall be provided for such purpose.

(e) Appropriate and separate sleeping accommodations shall be provided as follows:

(1) Cribs, padded playpens, or firm sanitary cots shall be provided at least two feet apart.

(2) Pillows shall not be used.

(3) A clean sheet, and a blanket when necessary, shall be provided for the exclusive use of each infant.

(f) Facilities shall be provided for the proper sanitization or sterilization of toys, equipment and supplies used with each group and for the proper refrigeration of food and baby formula. Where formula is required, it shall be prepared and provided by the parent or other responsible person in the infant's home.

(g) Infants shall be kept clean, dry and comfortable at all times. For such purpose, staff shall change infants' diapers as often as may be necessary. A firm, counter-height surface shall be provided in each group's area or room for diaper changes. A sink with running water or other hand washing arrangement shall be provided near the diaper change area. A covered container for soiled diapers shall also be provided at the diaper change area. Such container shall be equipped with disposable plastic liners which can be tied at the top for convenient removal.

(h) Toileting equipment such as potty chairs, appropriate to the toilet training level of the infants in the group, shall be provided. All such equipment shall be completely washable.

(i) Each infant shall be removed from his crib, playpen or cot and held or placed in a chair for each feeding. Each infant shall also be removed from his sleeping accommodations at other intervals during the day, and shall be permitted to crawl, toddle or walk as age and development permit.

(j) Infants shall be taken outdoors for a part of each day except during inclement weather and where a physician has ordered otherwise.

(k) Sufficient, nourishing food following a diet acceptable to the department shall be provided for the infants. Menus and diet plans shall be available for review by a consultant nutritionist of the department.

(l) Appropriate educational, play and other equipment shall be available for the infants' use.

Program

Rule 12.15

(a) The day care center shall have a program for meeting the individual and group needs of the children therein, which, in the case of nonprofit day care centers, shall include provision for administering direct services to the children, working with parents and community groups, and utilizing special resources such as health and social services.

(b) The program of the day care center shall be based upon the age levels of the children therein. It shall be flexible and subject to modification for individual child differences in development, interests and needs and differences in the characteristics of the groups in the day care center.

(c) The program shall be varied in order to promote the physical and emotional well-being of the children, to encourage the acquisition of information and knowledge, and to foster the development of language skills, concepts and problem solving abilities.

Regulation 451.10

(a) Basic program. The day care center shall provide a basic program of constructive activities which shall be conducted in such manner that the children are protected from over-stimulation, fatigue and other harmful stresses. To accomplish this, the program shall provide for:

(1) Reasonable regularity in routines including eating, napping and toileting.

(2) A good balance of active and quiet play.

(3) Opportunity for a child to have some free choice of activities and to play alone if he so desires or with one or several of the other children.

(4) Variation in activities and group structure so that children are not required at all times to move from one activity to another as a group.

(5) Sufficient time for activities and routines so that children may progress at their own developmental rate. There shall be no regimentation of children to fit a pre-established schedule.

(6) Activities, both indoors and outdoors, in which children may use both large and small muscles.

(7) Opportunities for learning and self-expression through child participation in a variety of creative activities such as art, music, literature, dramatic play and science.

(8) Field trips and special projects outside the confines of the day care center.

(9) Short waiting periods between activities so that there shall not be prolonged periods during which children must stand or sit while inactive.

(10) Constructive methods for maintaining group control and handling individual behavior. Corporal punishment and humiliating or frightening methods of control and discipline shall be prohibited. Punishment shall not be associated with food, rest, toilet training or isolation for illness.

(11) A suitable program setting which is arranged for safety and good supervision of the children.

(i) one activity shall not encroach upon or interfere with others;

(ii) activity areas, equipment and materials shall be arranged so that all the children's activities are visible to the staff;

(iii) all possible steps shall be taken to minimize the possibility of collisions and other accidents;

(iv) children prone to conduct which could be harmful to themselves or others, shall be appropriately controlled.

(b) Play equipment.

(1) The day care center shall provide sufficient equipment, blocks and toys so that each child will have access to toys and equipment suitable to his age and of adequate variety to stimulate his interest in active and imaginative play.

(2) Small toys shall be kept on low, open shelves easily accessible to the children.

(3) All toys and equipment shall be kept clean and in good repair to prevent accidents or injuries.

(4) The day care center shall provide the following basic play equipment:

(i) climbing apparatus;

(ii) wheel toys and large building blocks;

(iii) material for dramatic play such as dolls, housekeeping toys and transportation toys;

(iv) experimental toys and materials such as clay, dough, sand, water, puzzles and musical instruments; and

(v) sports eqiupment and books appropriate to the ages of the children in the day care center.

(c) Program for children six years of age and over.

(1) Children six years of age or over shall be provided a program of self-initiated and group-initiated activities that foster self-reliance and social responsibility.

(2) The day care center shall provide a separate program and separate facilities for children six years of age and over.

(3) Such facilities shall be located in a separate area if necessary to avoid interference with the younger children's programs.

(4) The program shall be flexible to enable the children to participate in desirable, non-academic activities sponsored by the children's regular schools.

Records

Rule 12.16 Records shall be kept to include:

(a) name, address, sex, and date of birth of each child; parents' or guardians' names and addresses and place or places at which parents or other person responsible for the child can be reached in case of emergency; and a daily attendance record;

(b) reports of physical examinations and immunizations of children.

(e) reports of physical examinations of staff.

Enforcement

Rule 12.17 The rules in this Part shall be strictly enforced. If in the enforcement of this Part, however, the department finds that to require a particular day care center to comply literally with one or more of these rules, or parts thereof, will result in undue hardship, and if the day care center is in substantial compliance with these rules and the applicable regulations of the department and their general purpose and intent and, in addition, it complies with such specific condition or conditions as the department may deem necessary for the protection of the health, safety and welfare of children, the department may determine that such day care center is in compliance with this Part. The department shall keep a record of its determination in each such case and the condition or conditions imposed by it as well as the particular rule or rules, or parts thereof, with which the center is not in literal compliance and the reasons literal compliance is not required.

Regulation 451.11 The regulations in this Part shall be strictly enforced. If in the enforcement of this Part, however, the department finds that to require a particular day care center to comply strictly with one or more of these regulations, or parts thereof, will result in undue hardship, and if the day care center is in substantial compliance with these regulations and the applicable rules of the board and their general purpose and intent and, in addition, it complies with such specific condition or conditions as the department may deem necessary for the protection of the health, safety and welfare of children, the department may determine that such day care center is in compliance with this Part. The department shall keep a record of its determination in each such case and the condition or conditions imposed by it as well as the particular regulation or regulations, or parts thereof, with which the center is not in strict compliance and the reasons strict compliance is not required.

Applicability

Rule 12.18 The rules contained in this Part shall apply to all day care centers operated or to be operated under a permit obtained on or after January 1, 1969.

FEDERAL INTERAGENCY DAY CARE REQUIREMENTS

PURSUANT TO SEC. 522 (d)
OF THE ECONOMIC OPPORTUNITY ACT

* * *

as approved by

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

U.S. OFFICE OF ECONOMIC OPPORTUNITY

U.S. DEPARTMENT OF LABOR

September 23, 1968

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PREFACE

Day care is a service for the child, the family, and the community and is based on the demonstrated needs of children and their families. It depends for its efficacy on the commitment, the skill, and the spirit with which it is provided.

Day care services supplement parental care by providing for the care and protection of children who must be outside of their own homes for a substantial portion of a 24-hour day. These services may be provided when parents are employed, are in training programs, or, for other reasons, need these services for their children.

Day care services should be developed and carried out as part of a comprehensive community plan designed to promote and maintain a stable family environment for children. Day care can serve most effectively and appropriately as a supplement to care in the child's own family when other services support family care, such as homemaker service. Only then can the plan of care for a child be based on what is best for him and his particular family. Communities planning coordinated child care programs need to develop a wide range of services, including, but not limited to, day care services.

DEFINITIONS

DAY CARE SERVICES -- comprehensive and coordinated sets of activities providing direct care and protection of infants, preschool and school-age children outside of their own homes during a portion of a 24-hour day.[1] Comprehensive services include, but are not limited to, educational, social, health, and nutritional services and parent participation. Such services require provision of supporting activities including administration, coordination, admissions, training, and evaluation.

ADMINISTERING AGENCY -- any agency which either directly or indirectly receives Federal funds for day care services subject to the Federal Interagency Day Care Standards and which has ultimate responsibility for the conduct of such a program. Administering agencies may receive Federal funds through a State agency or directly from the Federal Government. There may be more than one administering agency in a single community.

OPERATING AGENCY -- an agency directly providing day care services with funding from an administering agency. In some cases, the administering and operating agencies may be the same, e.g., public welfare departments or community action agencies which directly operate programs. Portions of the required services may be performed by the administering agency.

DAY CARE FACILITY -- the place where day care services are provided to children, e.g., family day care homes, group day care homes, and day care centers. Facilities do not necessarily provide the full range of day care services. Certain services may be provided by the administering or operating agency.

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[1] The Office of Economic Opportunity uses 7 hours as the minimum time period for its preschool day care programs; however, most of the Standards in this document are also applicable to part-day Head Start programs.

STANDARDS -- Standards consist of both Interagency Requirements and Recommendations. The Requirements only are presented in this document; the Recommendations will be issued separately.

Interagency Requirements -- a mandatory policy which is applicable to all programs and facilities funded in whole or in part through Federal appropriations.

Interagency Recommendations -- an optional policy based on what is known or generally held to be valid for child growth and development which is recommended by the Federal agencies and which administering agencies should strive to achieve.

FEDERAL INTERAGENCY DAY CARE REQUIREMENTS

INTRODUCTION

The legislative mandates of the Economic Opportunity Amendments of 1967 require that the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity coordinate programs under their jurisdictions which provide day care so as to obtain, if possible, a common set of program Standards and regulations and to establish mechanisms for coordination at State and local levels. The Secretary of Labor has joined with the Director of the Office of Economic Opportunity and the Secretary of Health, Education, and Welfare in approving these Standards. Accordingly, this document sets forth Federal Interagency Requirements which day care programs must meet if they are receiving funds under any of the following programs:

Title IV of the Social Security Act

Part A--Aid to Families With Dependent Children

Part B--Child Welfare Services

Title I of the Economic Opportunity Act--Youth Programs

Title II of the Economic Opportunity Act--Urban and Rural Community Action Programs

Title III of the Economic Opportunity Act

Part B--Assistance for Migrant, and other Seasonally Employed, Farmworkers and Their Families (These Federal Interagency Requirements will not apply in full to migrant programs until July 1, 1969.)

Title V of the Economic Opportunity Act

Part B--Day Care Projects

Manpower Development and Training Act

Title I of the Elementary and Secondary Education Act (Programs funded under this title may be subject to these Requirements at the discretion of the State and local education agencies administering these funds.)

These Requirements will be supplemented by a series of Federal Interagency Recommendations which are not mandatory but represent highly desirable objectives. The Requirements and Recommendations taken together constitute the Federal Interagency Day Care Standards.

As a condition for Federal funding, agencies administering day care programs must assure that the Requirements are met in all facilities which the agencies establish, operate, or utilize with Federal support. If a facility does not provide all of the required services, the administering agency must assure that those that are lacking are otherwise provided.

Administering agencies must develop specific requirements and procedures within the framework of the Federal Interagency Requirements and Recommendations to maintain, extend, and improve their day care services. Additional standards developed locally may be higher than the Federal Requirements and must be at least equal to those required for licensing or approval as meeting the standards established for such licensing. Under no circumstances, may they be lower. It is the intent of the Federal Government to raise and never to lower the level of day care services in any State.

The Interagency Requirements will be utilized by Federal agencies in the evaluation of operating programs.

Application of Requirements

These Requirements cover all day care programs and facilities utilized by the administering agencies which receive Federal funds, whether these facilities are operated directly by the administering agencies or whether contracted to other agencies. Such programs and facilities must also be licensed or meet the standards of licensing applicable in the State. Day care may be provided:

In a day care facility operated by the administering agency.

In a day care facility operated by a public, voluntary, or proprietary organization which enters into a contract to accept children from the administering agency and to provide care for them under the latter's policies. (The operating organization may also serve children who are not supported by the administering agency.)

Through some other contractual or other arrangement, including the use of an intermediary organization designed to provide coordinated day care services, or the use of facilities provided by employers, labor unions, or joint employer-union organizations.

Through the purchase of care by an individual receiving aid to families with dependent children or child welfare services funds for the service.

Waiver of Requirements

Requirements can be waived when the administering agency can show that the requested waiver may advance innovation and experimentation and extend services without loss of quality in the facility. Waivers must be consistent with the provisions of law. Requests for waivers should be addressed to the regional office of the Federal agency which is providing the funds. Requirements of the licensing authority in a State cannot be waived by the Federal regional office.

Effective Date of Requirements

The Requirements apply to all day care programs initially funded and to those refunded after July 1, 1968. Administering agencies are expected to immediately initiate planning and action to achieve full compliance within a reasonable time. Except where noted, up to 1 year may be allowed for compliance provided there is evidence of progress and good intent to comply.

Enforcement of Requirements

The basic responsibility for enforcement of the Requirements lies with the administering agency. Acceptance of Federal funds is an agreement to abide by the Requirements. State agencies are expected to review programs and facilities at the local level for which they have responsibility and make sure that the Requirements are met. Noncompliance may be grounds for suspension or termination of Federal funds.

The Federal agencies acting in concert will also plan to review the operation of selected facilities.

COMPREHENSIVE AND COORDINATED SERVICES

The material which follows is, for convenience, arranged according to certain categories of activities or service. Day care works well, however, only when there is a unity to the program. The educator must be concerned with health matters, the nurse with social service activities, and the parent coordinator with helping professionals. Program design must take into account these complex interrelationships.

I. DAY CARE FACILITIES

A. Types of Facilities

It is expected that a community program of day care services will require more than one type of day care facility if the particular needs of each child and his parents are to be taken into consideration. Listed below are the three major types of day care facilities to which the Federal Requirements apply. They are defined in terms of the nature of care offered. While it is preferable that the three types of facilities be available, this is not a Requirement.

1. The family day care home serves only as many children as it can integrate into its own physical setting and pattern of living. It is especially suitable for infants, toddlers, and sibling groups and for neighborhood-based day care programs, including those for children needing after-school care. A family day care home may serve no more than six children (3 through 14) in total (no more than five when the age range is infancy through 6), including the family day care mother's own children.

2. The group day care home offers family-like care, usually to school-age children, in an extended or modified family residence. It utilizes one or several employees and provides care for up to 12 children. It is suitable for children who need before- and after-school care, who do

not require a great deal of mothering or individual care, and who can profit from considerable association with their peers.

3. The day care center serves groups of 12 or more children. It utilizes subgroupings on the basis of age and special need but provides opportunity for the experience and learning that accompanies a mixing of ages. Day care centers should not accept children under 3 years of age unless the care available approximates the mothering in the family home. Centers do not usually attempt to simulate family living. Centers may be established in a variety of places: private dwellings, settlement houses, schools, churches, social centers, public housing units, specially constructed facilities, etc.

B. Grouping of Children

Interagency Requirements

The administering agency, after determining the kind of facility to be used, must ensure that the following limits on size of groups and child-to-adult ratios are observed. All new facilities must meet the requirements prior to Federal funding. Existing programs may be granted up to 3 years to meet this requirement, if evidence of progress and good intent is shown.

1. Family day care home 1/

   a. Infancy through 6 years. No more than two children under 2 and no more than

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1/ In the use of a family day care home, there must always be provision for another adult on whom the family day care mother can call in case of an emergency or illness.

There are circumstances where it would be necessary to have on a regular basis two adults in a family day care home; for example, if one or more of the children were retarded, emotionally disturbed, or handicapped and needed more than usual care.

The use of volunteers is very appropriate in family day care. Volunteers may include older children who are often very successful in working with younger children when under adequate supervision.

five in total, including the family day care mother's own children under 14 years old.

   b. Three through 14 years. No more than six children, including the family day care mother's children under 14 years old.

2. Group day care home 2/

   a. Three through 14 years. Groups may range up to 12 children but the child-staff ratio never exceeds 6 to 1. No child under 3 should be in this type of care. When pre-school children are cared for, the child-staff ratio should not exceed 5 to 1.

3. Day care center 3/

   a. Three to 4 years. No more than 15 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 5 to 1.

2/ Volunteers and aides may be used to assist the adult responsible for the group. Teenagers are often highly successful in working with younger children, but caution should be exercised in giving them supervisory responsibility over their peers.

As in family day care, provision must be made for other adults to be called in case of an emergency or illness.

3/ The adult is directly responsible for supervising the daily program for the children in her group and the work of the assistants and volunteers assigned to her. She also works directly with the children and their parents, giving as much individual attention as possible.

Volunteers may be used to supplement the paid staff responsible for the group. They may include older children who are often highly successful in working with younger children. Caution should be exercised in assigning teenagers supervisory responsibility over their peers.

b. Four to 6 years. No more than 20 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 7 to 1.

c. Six through 14 years. No more than 25 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 10 to 1.

Federal Interagency Requirements have not been set for center care of children under 3 years of age. If programs offer center care for children younger than 3, State licensing regulations and requirements must be met. Center care for children under 3 cannot be offered if the State authority has not established acceptable standards for such care.

C. Licensing or Approval of Facilities as Meeting the Standards for Such Licensing

Interagency Requirements

Day care facilities (i.e., family day care homes, group day care homes, and day care centers) must be licensed or approved as meeting the standards for such licensing. If the State licensing law does not fully cover the licensing of these facilities, acceptable standards must be developed by the licensing authority or the State welfare department and each facility must meet these standards if they are to receive Federal funds.

II. ENVIRONMENTAL STANDARDS

A. Location of Day Care Facilities

Interagency Requirements

1. Members of low-income or other groups in the population and geographic areas who (a) are eligible under the regulations of the funding agency and (b) have the greatest relative need must be given priority in the provision of day care services.

2. In establishing or utilizing a day care facility, all the following factors must be taken into consideration: 4/

   a. Travel time for both the children and their parents.

   b. Convenience to the home or work site of parents to enable them to participate in the program.

   c. Provision of equal opportunities for people of all racial, cultural, and economic groups to make use of the facility.

   d. Accessibility of other resources which enhance the day care program.

   e. Opportunities for involvement of the parents and the neighborhood.

3. Title VI of the Civil Rights Act of 1964 requires that services in programs receiving Federal funds are used and available without discrimination on the basis of race, color, or national origin.

B. Safety and Sanitation

Interagency Requirements

1. The facility and grounds used by the children must meet the requirements of the appropriate safety and sanitation authorities.

2. Where safety and sanitation codes applicable to family day care homes, group day care homes, or day care centers do not exist or are not being implemented, the operating agency or the administering agency must work with the appropriate safety and sanitation authorities to secure technical advice which will enable them to provide adequate safeguards.

4/ No universal requirements can be established to govern every local situation. There must, however, be consideration of each of these factors in light of the overall objectives of the day care program and the legal requirements which exist, such as title VI of the Civil Rights Act of 1964 and title IV, part B, of the Social Security Act.

C. Suitability of Facilities

Interagency Requirements

1. Each facility must provide space and equipment for free play, rest, privacy, and a range of indoor and outdoor program activities suited to the children's ages and the size of the group. There must be provisions for meeting the particular needs of those handicapped children enrolled in the program. Minimum requirements include:

   a. Adequate indoor and outdoor space for children, appropriate to their ages, with separate rooms or areas for cooking, toilets, and other purposes.

   b. Floors and walls which can be fully cleaned and maintained and which are nonhazardous to the children's clothes and health.

   c. Ventilation and temperature adequate for each child's safety and comfort.

   d. Safe and comfortable arrangements for naps for young children.

   e. Space for isolation of the child who becomes ill, to provide him with quiet and rest and reduce the risk of infection or contagion to others.

III. EDUCATIONAL SERVICES

Interagency Requirements

1. Educational opportunities must be provided every child. Such opportunities should be appropriate to the child's age regardless of the type of facility in which he is enrolled, i.e., family day care home, group day care home, or day care center.

2. Educational activities must be under the supervision and direction of a staff member trained or experienced in child growth and development. Such supervision may be provided from a central point for day care homes.

3. The persons providing direct care for children in the facility must have had training or demonstrated ability in working with children.

4. Each facility must have toys, games, equipment and material, books, etc., for educational development and creative expression appropriate to the particular type of facility and age level of the children.

5. The daily activities for each child in the facility must be designed to influence a positive concept of self and motivation and to enhance his social, cognitive, and communication skills. 5/

IV. SOCIAL SERVICES

Interagency Requirements

1. Provision must be made for social services which are under the supervision of a staff member trained or experienced in the field. Services may be provided in the facility or by the administering or operating agency.

2. Nonprofessionals must be used in productive roles to provide social services.

3. Counseling and guidance must be available to the family to help it determine the appropriateness of day care, the best facility for a particular child, and the possibility

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5/ For school-age children, it is desirable that the policies at the day care facility be flexible enough to allow the children to go and come from the day care facility in accordance with their ability to become independent and to accept appropriate responsibility. School-age children also must have opportunities to take part in activities away from the day care facility and to choose their own friends.

The day care staff must keep in mind that for school-age children the school is providing the formal educational component. The day care staff are more nearly "parent supplements." They have responsibility, however, to supervise homework and broaden the children's educational, cultural, and recreational horizons.

of alternative plans for care. The staff must also develop effective programs of referral to additional resources which meet family needs.

4. Continuing assessment must be made with the parents of the child's adjustment in the day care program and of the family situation.

5. There must be procedures for coordination and cooperation with other organizations offering those resources which may be required by the child and his family.

6. Where permitted by Federal agencies providing funds, provision should be made for an objective system to determine the ability of families to pay for part or all of the cost of day care and for payment.

V. HEALTH AND NUTRITION SERVICES

Interagency Requirements

1. The operating or administering agency must assure that the health of the children and the safety of the environment are supervised by a qualified physician. 6/

2. Each child must receive dental, medical, and other health evaluations appropriate to his age upon entering day care and subsequently at intervals appropriate to his age and state of health. 7/

3. Arrangements must be made for medical and dental care and other health related treatment for each child using existing

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6/ While nurses or others with appropriate training and experience may plan and supervise the health aspects of a day care program, the total plan should be reviewed by a pediatrician or a physician especially interested in child health. Ideally, such a physician should participate in planning the total day care program and should be continuously involved as the program is carried out. Consultation on technical safety and environmental matters may be provided by other specialists. Individual health evaluations and medical and dental care should be carried out only by highly qualified physicians and dentists.

7/ If the child entering day care has not recently had a comprehensive health evaluation by a physician, this should be provided promptly after he enters a day care program.

community resources. In the absence of other financial resources, the operating or administering agency must provide, whenever authorized by law, such treatment with its own funds. [8]

4. The facility must provide a daily evaluation of each child for indications of illness.

5. The administering or operating agency must ensure that each child has available to him all immunizations appropriate to his age.

6. Advance arrangements must be made for the care of a child who is injured or becomes ill, including isolation if necessary, notification of his parents, and provisions for emergency medical care or first aid.

7. The facility must provide adequate and nutritious meals and snacks prepared in a safe and sanitary manner. Consulation should be available from a qualified nutritionist or food service specialist.

8. All staff members of the facility must be aware of the hazards of infection and accidents and how they can minimize such hazards.

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[8] Because day care is designed to supplement parental care and strengthen families, the agency should help parents to plan and carry out a program for medical and dental care for the children. Agencies should not make the arrangements unless the parents are unable to do so. The agency should help to find funds and services and help parents to make use of these resources. Such help may include making appointments; obtaining transportation; giving reminders and checking to be sure appointments are kept, prescriptions filled, medication and treatments administered. Educational programs and social services should be available to help families carry out health plans.

→ The day care agency, however, in those instances where the Federal funds are legally available to be expended for health services, has the ultimate responsibility of ensuring that no child is denied health services because his parents are unable to carry out an adequate health plan. Funds for aid to families with dependent children are not legally available for health care, but States are encouraged to use Medicaid funds whenever possible.

9. Staff of the facility and volunteers must have periodic assessments of their physical and mental competence to care for children. 9/

10. The operating or administering agency must ensure that adequate health records are maintained on every child and every staff member who has contact with children.

VI. TRAINING OF STAFF

Interagency Requirements

1. The operating or administering agency must provide or arrange for the provision of orientation, continuous inservice training, and supervision for all staff involved in a day care program -- professionals, nonprofessionals, and volunteers -- in general program goals as well as specific program areas; i.e., nutrition, health, child growth and development, including the meaning of supplementary care to the child, educational guidance and remedial techniques, and the relation of the community to the child. 10/

2. Staff must be assigned responsibility for organizing and coordinating the training program. 11/

9/ Tuberculin tests or chest X-rays should ensure that all persons having contact with the children are free of tuberculosis. Physical and mental competence are better assured by regular visiting and supervision by competent supervisors than by routine medical tests or examinations.

10/ Special techniques for training of day care mothers in family day care homes may need to be developed. One example of such technique is the use of a "roving trainer" who would have responsibility for working on a continuous basis with several day care mothers in their own homes. Volunteers could also be used as substitutes in family day care homes to allow day care mothers to participate in group training sessions at other locations.

11/ Persons from colleges and universities, public schools, voluntary organizations, professional groups, government agencies, and similar organizations can offer valuable contributions to the total training program.

3. Nonprofessional staff must be given career progression opportunities which include job upgrading and work related training and education.

VII. PARENT INVOLVEMENT

Interagency Requirements

1. Opportunities must be provided parents at times convenient to them to work with the program and, whenever possible, observe their children in the day care facility.

2. Parents must have the opportunity to become involved themselves in the making of decisions concerning the nature and operation of the day care facility.

3. Whenever an agency (i.e., an operating or an administering agency) provides day care for 40 or more children, there must be a policy advisory committee or its equivalent at that administrative level where most decisions are made. 12/ The committee membership should include not less than 50 percent parents or parent representatives, selected by the parents themselves in a democratic fashion. Other members should include representatives of professional organizations or individuals who have particular knowledge or skills in children's and family programs.

4. Policy advisory committees 13/ must perform productive functions, including, but not limited, to:

    a. Assisting in the development of the programs and approving applications for funding.

12/ That level where decisions are made on the kinds of programs to be operated, the hiring of staff, the budgeting of funds, and the submission of applications to funding agencies.

13/ Policy advisory committees, the structure providing a formal means for involving parents in decisions about the program, will vary depending upon the administering agencies and facilities involved.

b. Participating in the nomination and selection of the program director at the operating and/or administering level.

c. Advising on the recruitment and selection of staff and volunteers.

d. Initiating suggestions and ideas for program improvements.

e. Serving as a channel for hearing complaints on the program.

f. Assisting in organizing activities for parents.

g. Assuming a degree of responsibility for communicating with parents and encouraging their participation in the program.

VIII. ADMINISTRATION AND COORDINATION

A. Administration [14]

Interagency Requirements

1. The personnel policies of the operating agency must be governed by written policies which provide for job descriptions, qualification requirements, objective review of grievances and complaints, a sound compensation plan, and statements of employee benefits and responsibilities.

2. The methods of recruiting and selecting personnel must ensure equal opportunity for all interested persons to file an application and have it considered within reasonable criteria. By no later than July 1, 1969, the methods for recruitment and selection must provide for the effective use of nonprofessional positions and for priority in employment to welfare recipients and other low-income people filling those positions.

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[14] Where the administering agency contracts for services with private individuals or proprietary organizations, it must include contractual requirements designed to achieve the objectives of this section.

3. The staffing pattern of the facility, reinforced by the staffing pattern of the operating and administering agency must be in reasonable accord with the staffing patterns outlined in the Head Start Manual of Policies and Instructions 15/ and/or recommended standards developed by national standard-setting organizations.

4. In providing day care through purchase of care arrangements or through use of intermediary organizations, the administering agency should allow waivers by the operating agency only with respect to such administrative matters and procedures as are related to their other functions as profit-making or private nonprofit organizations; provided, that in order for substantial Federal funds to be used, such organizations must include provisions for parent participation and opportunities for employment of low-income persons. Similarly, there must be arrangements to provide the total range of required services. All waivers must be consistent with law.

5. The operating or administering agency must provide for the development and publication of policies and procedures governing:

    a. Required program services (i.e., health, education, social services, nutrition, parent participation, etc.) and their integration within the total program.

    b. Intake, including eligibility for care and services, and assurance that the program reaches those who need it.

    c. Financing, including fees, expenditures, budgeting, and procedures needed to coordinate or combine funding within and/or between day care programs.

    d. Relations with the community, including a system of providing education about the program.

15/ HEAD START CHILD DEVELOPMENT PROGRAM: A Manual of Policies and Instructions. Office of Economic Opportunity, Community Action Program, Washington D.C. 20506. September 1967.

e. Continuous evaluation, improvement, and development of the program for quality of service and for the expansion of its usefulness.

f. Recording and reporting of information required by State and Federal agencies.

6. The administering and operating agencies and all facilities used by them must comply with title VI of the Civil Rights Act of 1964, which requires that services in programs receiving Federal funds are used and available without discrimination on the basis of race, color, or national origin.

B. COORDINATION

Interagency Requirements

1. Administering agencies must coordinate their program planning to avoid duplication in service and to promote continuity in the care and service for each child.
2. State administering agencies have a responsibility to develop procedures which will facilitate coordination with other State agencies and with local agencies using Federal funds.
3. Agencies which operate more than one type of program, e.g., a group day care home as well as day care center program, are encouraged to share appropriate personnel and resources to gain maximum productivity and efficiency of operation.

IX. EVALUATION

Interagency Requirements

1. Day care facilities must be periodically evaluated in terms of the Federal Interagency Day Care Standards.
2. Local operators must evaluate their own program activities according to outlines, forms, etc., provided by the operating and administering agencies. This self-evaluation must be periodically planned and scheduled so that results of evaluation can be incorporated into the preparation of the succeeding year's plan.

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